

## CLOSEOUT FOR M-93080042

On August 11, 1993, [REDACTED] brought to OIG's attention an allegation of intellectual theft. In an April 8, 1993 letter to [REDACTED] the complainant, [REDACTED] (the Laboratory), [REDACTED] alleged that the subject, [REDACTED] had used her ideas in his [REDACTED] proposal. [REDACTED] The complainant explained that she and a colleague at the Laboratory had worked as consultants on the subject's NSF [REDACTED] proposal, [REDACTED]

OIG examined the complainant's letters, the program officer's information, the Phase I and Phase II proposals, the Phase I final report, and some co-authored publications resulting from the Phase I collaboration. OIG also contacted the complainant for additional information.

The complainant alleged that a colleague, who was on sabbatical and visiting her laboratory for a year, approached the subject with the idea for the Phase I proposal because the proposed idea required the use of some equipment which was not available in the Laboratory, but was available at the subject's company. The complainant indicated that the subject, with their assistance, completed the Phase I proposal which was subsequently funded by NSF. After the subject submitted the final report for the Phase I award and at the subject's request, the complainant sent him six suggestions for possible inclusion with a Phase II proposal. According to the complainant, both consultants hoped that they could do more research with the subject as equal partners under a Phase II award.

OIG determined that the six suggestions sent by the complainant to the subject for inclusion into the Phase II proposal were very general in nature and, as a consequence, could not be identified in the proposal as ideas unique to the complainant. In addition, OIG determined that with respect to the particular suggestions: two originated in the Phase I proposal or the final report for the project; three followed logically as a continuation of the work accomplished under the Phase I award and as such could not be uniquely identified as the complainant's; and one could not be found in the Phase II proposal as an idea for research or study, but rather appeared only in the discussion under "Related Research."

In addition, OIG discerned that this situation involved a misunderstanding between the complainant and the subject. The complainant had assumed that their collaboration would continue with Phase II because she and her co-worker had been involved with Phase I. The

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subject, on the other hand, elected to continue the project in his Phase II proposal by collaborating with scientists other than the complainant and her co-worker. Although the subject could have shown more consideration for the complainant by informing her of his plan to exclude her as a collaborator in the Phase II proposal, he was under no formal obligation to do so. Likewise, the subject was not obliged to continue the collaborative relationship with the complainant on future proposals just because his research was a continuation of their earlier collaborative work. He clearly described the complainant's participation with the Phase I work in his Phase II proposal including their co-authored Phase I published results.

OIG determined that there was no substance to the allegation of intellectual theft. This case was closed.

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, Counsel to IG, IG