

## CLOSEOUT FOR M93100053

On October 18, 1993, Dr. [REDACTED], a program officer in the [REDACTED] Program in the Division of [REDACTED] in the Directorate of Biological Sciences, informed OIG that she had received a merit review containing a possible allegation of intellectual theft. Dr. [REDACTED], the complainant and a faculty member in the Department of [REDACTED] at [REDACTED] University, had provided a review on proposal [REDACTED]. This proposal was submitted by Dr. [REDACTED], the subject and a faculty member in the [REDACTED] Department at the [REDACTED]. In his review of the proposal the complainant disagreed with the subject's proposed assessment of statistical methods for discriminating between [REDACTED] features of different [REDACTED] in order to identify those unique to a particular [REDACTED]. The complainant alleged that 7 ideas, each describing an approach or a criterion for automatically identifying a relevant subset of [REDACTED] in the subject's proposal had been used previously in a paper by the complainant. The complainant alleged that the subject had not referred to that paper.

In its inquiry into this allegation OIG found that proposal [REDACTED] was a slightly revised version of a previously declined proposal submitted by the subject. OIG reviewed the complainant's paper and two prior, related publications, the subject's two proposals, and the reviews submitted by the mail reviewers and the panel members for the two proposals. The aim of the subject's two proposals was to assess three competing statistical methods for discriminating between [REDACTED]. These methods represent competing techniques in a newly emerging field of study within [REDACTED]. A fourth method, promoted by the complainant, was excluded by the subject from his planned assessment. OIG found that both proposals contained a listing and brief description of the 7 approaches and criteria and that both proposals contained accurate references to the complainant's three papers (those reviewed by OIG, one of which was the focus of the complainant's allegation). The textual references to the complainant's publications were not in the same proposal section as the list of 7 ideas.

With the exception of the complainant, none of the mail or panel reviewers of the first proposal objected to the subject's exclusion of the complainant's method from this study. In the second proposal the subject strengthened his negative comments about the complainant's method and again excluded it from his planned assessment. Several of the mail reviewers who were familiar with the field, objected to the strength of the subject's assessment; however, none identified the approaches and criteria as originating with the complainant. It was in his review of the second proposal that the complainant made his allegation.

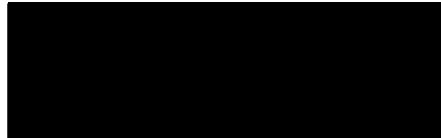
OIG found that the 7 ideas and their descriptions were relatively generic descriptions of logical approaches applied in statistical procedures. The subject's graduate student had published papers applying one of the seven approaches. From the review of the proposals, papers, and peer reviews OIG determined that the complainant's papers and the subject's proposals were closely related because they addressed statistical methods in a narrow field of study; but, a direct connection between the complainant's paper and the material in the subject's proposals could not be found. OIG concluded that the subject and complainant were close competitors in a newly

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emerging field of study and that various PIs' works in such fields may contain overlapping information and ideas. The use of common ideas and information is not prima facie evidence of intellectual theft.

In response to OIG's inquiries the complainant said that he had not considered the subject's use of the ideas intellectual theft; rather, he had been upset that the subject had not, in his view, sufficiently discussed the substance of the complainant's papers or provided adequate citation to them in his proposal. The complainant was unaware of the existing citations to his work in the subject's proposal. The complainant said that the 7 approaches and criteria were generally understood statistical principles. He said that the subject had written a book on statistical approaches but that he, the complainant, had not read it. The complainant's statements supported OIG's initial conclusion that the subject's use of the 7 approaches and criteria were not evidence of intellectual theft.

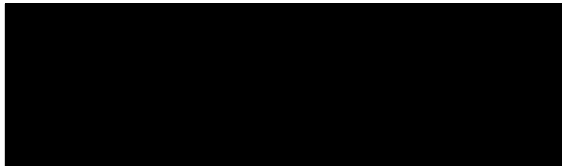
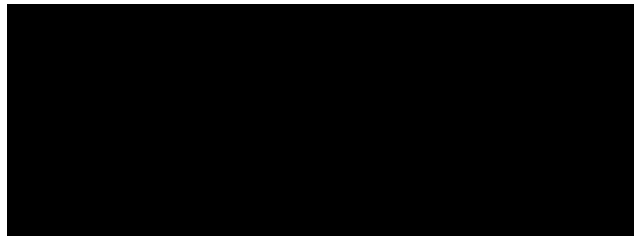
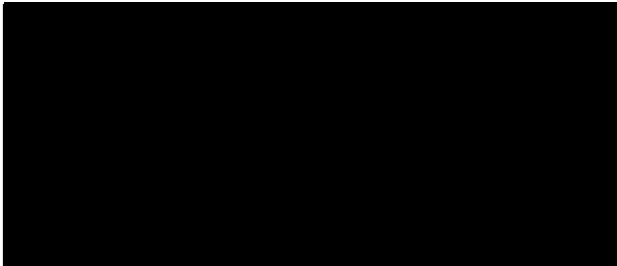
Therefore, OIG concluded that this case was an intellectual dispute between two competitors in a narrow, newly emerging field. Such disputes, in and of themselves, are not misconduct in science and engineering. OIG could not find any evidence to support the allegation of intellectual theft and closed this case.



1/31/94

Staff Scientist, Oversight

Concurrence:



cc: Signatories  
Inspector General