

Our office received allegations from a PI¹ (the "complainant") in July 1996, concerning problems he was having with a Co-PI² (the "subject") on an NSF grant.³ He alleged that the subject:

- 1) failed to share data collected during the grant;
- 2) failed to notify NSF about a patent derived from NSF funding; and
- 3) violated ethical standards of his field of science by improperly using research materials supplied by the subject for commercial benefit.

We contacted the subject about the allegations and were sent a response from the subject's attorney. The attorney explained that the subject's university handled this matter several years ago and determined that there was no substance to the allegations. We obtained a copy of the university's report, which stated there was "no evidence of illegal, improper, or unethical conduct" by the subject.⁴

With regard to the first allegation, we could find no evidence that the subject withheld data from the complainant. We requested that the subject share any data collected under the grant, and the subject, through his attorney, claimed that no data has been withheld. Without additional information about what was allegedly withheld, we feel that there is insufficient evidence to pursue the allegation.

With regard to the second allegation, we reviewed the U.S. Patent and Trade Office patent database and found that the subject had been awarded a patent⁵ that referenced a paper supported by the complainant's NSF grant.⁶ Despite the reference, we could find no direct evidence of connections between the patent and the complainant's NSF-funded research. The patent does not include any reference to data collected under the NSF-funded research, and does not rely on any specific materials that were tested under the NSF grant. Therefore, no further action will be taken on this allegation.

With regard to the third allegation, we agree with the complainant that the subject showed questionable judgement by giving the research material to his commercial affiliate without discussing the transfer with the PI in advance. Although traditionally researchers in this field have freely transferred research materials for non-commercial purposes, we recognize that this practice is being replaced over time by more formalized agreements, which specify acceptable uses and rights associated with research materials. We conclude that the subject's transfer of materials was of questionable judgement and showed a lack of collegiality, but that his actions, in this

¹ [redacted]

² [redacted]

³ The NSF award, [redacted], was [redacted]." Dr. [redacted] was the PI; a total of [redacted] support was provided for [redacted] years. The purpose of the grant was to produce [redacted].

⁴ [redacted] letter to the complainant [redacted].

⁵ U.S. Patent [redacted] entitled "[redacted]," issued [redacted].

⁶ The patent references the NSF-supported paper and two other documents as sources of "[redacted]."

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case, do not rise to the level of misconduct in science. Therefore, no further action will be taken on this allegation

This inquiry is closed and no further action taken in this case.

CC: IG, Integrity.