



Home Inquirer Daily News Jobs Cars Real Estate Apartments Business Sports Entertainment Living Restaurants & Food Travel

Marketplace

Search Site

Subscriber Services: Inquirer | Daily News

Welcome Guest | Register | Sign In

Front Page

search RSS

email this print this reprint or license this

TEXT SIZE: A A A A

Posted on Tue, Nov. 13, 2007

New twist in Rohm & Haas case

By Bob Fernandez
Inquirer Staff Writer

In the midst of a seven-year legal battle over trade secrets that pits scientist Mandy Lin against her former employer, the chemical giant Rohm & Haas Co., a Department of Energy chemist has concluded that Lin's independent research is her own, not, as the company contends, stolen.

The chemist and engineer, Charles Russomanno, wrote in a two-page, previously undisclosed Energy Department memo obtained by The Inquirer that Lin's research made no use of company trade secrets and was worthy of an \$850,000 federal research grant.

Of the lengths to which Rohm & Haas has gone to get access to Lin's research, Russomanno added in a recent interview, "I've never seen anything like this."

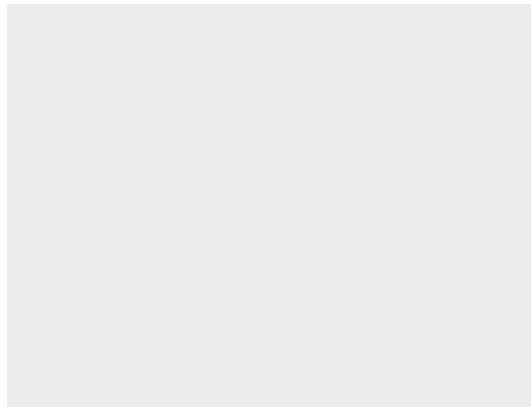


Mandy Lin didn't use research secrets, a U.S. memo says.

SAVE AND SHARE



What impact the memo will have on the fractious, sealed court battle is far from clear, given



Today's Most Viewed Most Emailed

- Tapped Out
- Carnal Knowledge | Sex fantasies - good and the bad
- A man down? No problem for Flyers
- On Baseball | Trading front could be busy in off-season
- For Ron Paul, easy money

» More Most Viewed

the scorched-earth legal tactics by both sides and the refusal of Montgomery County Court Judge Bernard A. Moore to ask for an independent scientific assessment in the case.

Russomanno's findings are welcome support for Lin and her little company, EverNu Technology L.L.C., which are facing fines of \$200 a day for refusing Moore's order to release her research to Rohm & Haas. The fines, in place since June 2005, have accrued to more than \$200,000.

Lin is seeking a trial, she said, to vindicate her reputation and clear her company's legal status as she woos investors.

Rohm & Haas has said publicly that it would settle the case for free access to Lin's federally funded research and technology. Lin says she would prefer to sell it to any of the company's competitors.

Moore has ordered the two sides to a settlement conference today.

Rohm & Haas spokesman Brian McPeak said the company would not comment on the Energy Department memo because the issue is part of litigation. "This is an interpretation that is still very much at the heart of the litigation that Judge Moore has yet to decide," McPeak said of the memo. "From our perspective, if we start commenting on this, we will have to comment on other things. We have said as much as we think is appropriate."

Moore has not commented on the case. Earlier this year and again in October, he said it was inappropriate to say anything.

A long and bitter case

This unusually long and bitter legal case began in June 2000 when Rohm & Haas sued Lin for disclosing four trade secrets on her research on a paint additive that is the company's biggest product. By then, Lin, who is Chinese, had resigned from Rohm & Haas after filing a discrimination claim and receiving a \$100,000 payment. One of her supervisors acknowledged referring to her as a "monkey" and regretted it.

Three years into the trade secrets case, Rohm & Haas widened the scope of the legal dispute by saying that new research Lin developed for EverNu could contain information she stole from her former employer.

In July 2002, Lin received a small business innovation grant to develop a new way to manufacture methacrylic acid, a major Rohm & Haas product.

In her grant proposal, Lin told the government that the proposed technology could save industry 6.4 trillion BTUs of energy a year, the energy equivalent of 1.1 million barrels of oil.

Rohm & Haas attorneys told Moore that its Spring House, Montgomery County, research lab did development on methacrylic acid and that Lin shared e-mails on the topic and spoke with the scientist assigned to research it.

MOST VIEWED IN THIS SECTION

- [For Ron Paul, easy money](#)
- [Tapped Out](#)
- [Drug trade linked to rise in homicides](#)
- [Republicans face uphill fight in N.H.](#)
- [FCC rules could stunt Comcast's growth](#)

Latest Stories in this Section

- [Troubling rise in shooting of police](#) 2:27am
By Andrew Maykuth and Barbara Boyer
- [Accused Montco teen exchanged e-mails with murderer](#) 2:27am
By Kathleen Brady Shea and Kathy Boccella
- [7 die in Hamas-Fatah clash](#) 2:27am
By Ibrahim Barzak
- [Crime-novel success at 60 and up](#) 2:27am
By Art Carey
- [Tapped Out](#) 11/12/2007
By George Anastasia

More from PhillyCars.com

- [Acura RL 2005](#)
Infiniti of Ardmore - 11/12/2007
- [Kia Spectra 2006](#)
Nucar Connection - 11/12/2007
- [Pontiac Vibe 2005](#)
Springfield Ford - 11/12/2007
- [Mitsubishi Eclipse GS 2003](#)
Del Toyota - 11/12/2007
- [Kia Sportage 2007](#)
Nucar Connection - 11/12/2007

Philly.com Promotions

The company asked to see her grant research, and Moore ordered Lin to comply. But without legal protections for her work, she refused.

With positions hardening in court, Rohm & Haas submitted 45 pages of its own confidential research on methacrylic acid to Moore in early 2005. This could be what Lin used for her grant, it said.

To support its contention that Lin stole trade secrets, Rohm & Haas said in a court document that the Energy Department was investigating Lin. Moore repeated that assertion in a court order.

Fearing that Rohm & Haas was moving to strip EverNu of its intellectual property, in September 2005 Lin mailed to the Energy Department in Washington the confidential 45 pages that Rohm & Haas submitted to the court. She told neither Moore nor Rohm & Haas.

Lin asked the Energy Department if it was investigating her or EverNu, and whether she had copied Rohm & Haas research.

Lin now acknowledges that she violated Moore's order sealing the case and its documents, but said she felt she had no choice if she wanted to save her company.

The Energy Department's legal counsel, which later disclosed that there was no investigation of Lin, passed the Rohm & Haas pages to Russomanno.

Russomanno, a portfolio manager in the small-business innovation grant program, had awarded Lin her research grant. At that time, he had had experts outside the government assess her proposal for originality.

In an interview, Russomanno said he had analyzed the two technologies - Lin's and Rohm & Haas' - because "I believed this issue [of who owned the technology] would not go away, and I wanted to go on record."

In the newly disclosed February 2006 memo, Russomanno states that Lin's small-business project is "not work obtained by and supported with Rohm & Haas trade secrets." It is "different and unrelated to the content and research direction presented in the Rohm & Haas documents." He said in the memo that he was the person most qualified in the Energy Department to review the issue.

If a company such as Rohm & Haas wanted to use EverNu's technology, Russomanno said, it should "work through proper channels" - that is, buy Lin's process or partner with EverNu.

In a statement issued Oct. 26 in response to an Inquirer query, the Energy Department, through its spokeswoman Megan Barnett, said that "EverNu's performance of the grant did not appear to be part of litigation between Rohm & Haas Co. and its former employee, Dr. Lin, or any other proceeding of which DOE was aware, including any investigation by DOE."

The agency said it was considering releasing an official copy of Russomanno's memo under a Freedom of Information Act request.

SITE SERVICES »



Buy Photos

High-quality prints of **historic sites** and events, **cityscapes**, sports venues and more.

- Buy books
- Buy apparel
- Advertise on Philly.com
- View print ads/special sections

Ticket Offers

COMCAST TIX »

- Concert: The Police
- Concert: Paul Anka
- Family: Playhouse Disney
- Concert: R Kelly

OTHER OFFERS »

- Family: Hannah Montana
- Comedy: George Carlin
- NFL: Dolphins-Eagles
- College: Kent State-Temple

ADVERTISEMENT

The pressure builds

Lin and EverNu now lease lab space at Villanova University. The scientist and her company are still being fined \$200 a day by Moore to put financial pressure on Lin to surrender her research documents.

Rohm & Haas has obtained some of the documents from Temple University, an early partner with EverNu. Moore ordered Temple to give what it had to Rohm & Haas, and the university released about 700 pages in January.

In court documents in March, Rohm & Haas said that EverNu was developing a "one-step oxidation process" for making the plastics chemical. This process was discussed at Rohm & Haas when Lin was there, the company said.

But Lin counters that the process has been discussed in scientific literature for about two decades and is not a trade secret. What's different about her method is the type of catalyst she uses - which, she said, was not discussed at Rohm & Haas.

John Chesney, attorney for Lin's company, said EverNu has appealed Moore's order, to produce its remaining private documents, to the Pennsylvania Supreme Court.

In mid-September, Rohm & Haas general counsel Robert Lonergan told Moore that Rohm & Haas would like a settlement conference, according to Lin's attorney, Hugh Hutchison.

Hutchison told the judge that Lin, who says her legal expenses for fighting Rohm & Haas in court are about \$2 million, would like a trial.

Edsel Brown, assistant director in the office of technology at the U.S. Small Business Administration, said he was concerned that the "nuances of a developing technology" are being decided "in the four walls of [Moore's] courtroom."

"There are issues raised in that case that have to be looked at," said Brown, whose office has advised Lin on her grant.

At its peak, EverNu Technology employed four scientists and had collaborators at Temple and in Europe. Rohm & Haas has 16,000 employees and \$8.5 billion in annual sales.

"It seems to me that conclusions are not based on technical merit," said Brown, "but on sizes of companies."

Rohm & Haas' McPeak said, "To date, the one party most qualified to render an opinion on the facts in the case is Judge Moore and his previous rulings in this case to date have always been that the company's position is correct."