DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Assistant Secretary for Health
Office of Research Integrity
1101 Wootton Parkway, Suite 750
Rockville, MD 20852

Ph. 240-453-8800
FAX 301-594-0043
e-mail: john.dahlberg@hhs.gov
Web: http://ori.dhhs.gov/

APR 18 2013

CONFIDENTIAL

Prof. Dr. [redacted]
Institute of Medical Microbiology & Hygiene
Spemann Graduate School of Biology and Medicine
Albertstraße 19A
79 104 Freiburg
Germany

RE: ORI 2004-03 BY MAIL AND EMAIL ([redacted]@uniklinik-freiburg.de)

Dear Dr. [redacted]:

The Office of Research Integrity (ORI) has completed its oversight review of the allegations of research misconduct that arose upon your departure from the laboratory of David Roulet of the University of California, Berkeley (UCB). As you know, UCB conducted an inquiry and investigation into those allegations, and made findings of research misconduct that, in brief, concluded that:

- you falsified and fabricated the research leading to Figure D-3 and related text in the National Institutes of Health grant application,1 R01 CA093678-[redacted], to show successful initiation of germ line transmission of an NKG2D knockout mouse that would allow investigation of NKG2D functioning in natural killer (NK) cells. UCB found that you never created the embryonic stem (ES) cell colonies with one allele of the target gene (NKG2D) disrupted, never conducted the large scale screening of the hundreds of embryonic stem cells required to identify the targeted cells, never successfully created a Southern blot that would show the successful targeting of the ES cell, and never successfully created the chimeric mice that were required for future breeding of NKG2D knockout mice.

- that you falsified the surface expression of NKG2D on bone marrow-derived, LPS-activated macrophages in flow cytometry histograms in Figure 3B, *Immunity* 2002 [redacted] by manipulating the flow cytometry machine voltage settings in the measurement of the expression of NKG2D in macrophages stained with a monoclonal antibody (MI-6 F(ab')2) specific for NKG2D and cultured in the presence of LPS, IFN- and IFN- / .

Dr. Roulet published an Erratum for the 2002 *Immunity* paper in *Immunity* 2004, [redacted] stating that recent repetitions "failed to obtain clear-cut staining of activated bone marrow or peritoneal macrophages with antibodies to NKG2D.... We conclude that bone marrow and peritoneal macrophages activated in vitro under our conditions do not express easily detectable levels of NKG2D on the cell surface."

ORI's oversight review, conducted by staff from the Division of Investigative Oversight found no basis for overturning UCB's findings. However, for a number of reasons, ORI has determined to administratively close this case and not propose separate PHS findings and administrative remedies. This determination does not diminish UCB's independent authority to make findings of research misconduct, as explicitly described at 42 C.F.R. § 93.319.[1] Thus, ORI's determination not to make separate Public Health Service findings of research misconduct in this matter is not an exoneration of the UCB's findings summarized above.

Sincerely,

David Wright, Ph.D.
Director
Office of Research Integrity

cc: Robert Price, Ph.D. ✓
RIO, UCB

---

[1] Sec. 93.319 Institutional standards.

(a) Institutions may have internal standards of conduct different from the HHS standards for research misconduct under this part. Therefore, an institution may find conduct to be actionable under its standards even if the action does not meet this part's definition of research misconduct.
(b) An HHS finding or settlement does not affect institutional findings or administrative actions based on an institution's internal standards of conduct.