

By DARDEN CHAMBLISS  
Of the Associated Press

**Goodrich, International Latex at Odds**

**Tire Firm Trying to Make Ex-Employee Hold in Secrets From Girdle Maker**

NEW YORK — What's in a man's head can belong to someone else.

His knowledge, courts have held, is not necessarily his to sell.

This proposition is being tested anew in a conflict involving a tire company, a girdle maker and a bright young chemical engineer.

The outcome could have broad implications for industry and workers.

At issue is the principle, rooted in English common law, that trade secrets a man learns on the job belong to whoever was paying him at the time.

Knowledge of ingredients and of ways of putting things together or working materials is not the property of the discoverer but belong to his employer. This principle has held.

The new legal action tries to find out exactly how this operates.

The tire company, B. F. Goodrich, is seeking to prevent a former employee, Donald Wohlgemuth, 30, from working in a certain operation of International Latex Corp., the firm that makes Playtex products.

Goodrich says it fears the loss of confidential information about space suits, the field in which Wohlgemuth had worked for Goodrich.

Goodrich said it is pressing the case "in view of the importance to American industry of the legal question involved."

The problem has mushroomed in recent years. Some \$15 billion a year is spent on research. Products and processes depend upon complex and intricate information.

Corporations worry that ideas that cost millions might pass out the door into a competitor's plant in the person of a departing employee.

As a result, an increasing number of firms require technical people to sign an agreement not to reveal secrets to a future employer, usually for a stated period of time—six months to two years in most cases.

Many firms also write into employment contracts agreements that employees will not work for competitive firms for a given period.

Increasingly, men who switch jobs find that their old boss has written their new boss a letter. The letter tells what kind of information the employee had that the former employer thinks should be kept secret.

Watching these efforts, the employe may conclude that

knowing too many company secrets could bind him to a firm in a kind of intellectual servitude.

There are broader considerations. The free interchange of men and ideas, said one chemical company executive, is what makes a competitive society perk most effectively.

"Ten years ago, there were only two companies making polyethylene," he said. "Now there are a dozen. Who started up these new plants? They weren't all college kids, you can be sure of that."

But others argue that without

secrecy safeguards, research funds would dry up. No one will spend money learning what someone else could steal.

Also, said a corporation attorney, secret-keeping doesn't have to reduce mobility or hamper cross-fertilization of ideas. Restrictions are placed only on very specific information about very specific things, he said.

The line where general information stops and specific, secret information begins is not always easy to draw, however.

The Goodrich case attracts interests for this reason, among others. It involves trying to

spell out the secret area in advance, then prevent the newly hired employe from working in it.

This emphasis on restricting before there has been any actual disclosure makes the case something of a bellwether, some legal experts think.

Wohlgemuth, a graduate engineer from the University of Michigan, had been technical manager of space suit development engineering for Goodrich. The firm has been a leader in the field, providing the suits for astronauts in Project Mercury.

International Latex, based at

Dover, Del., is a relative newcomer in the field with a new \$1.5-million contract for Apollo moon flight outfits. It hired Wohlgemuth, topping his \$10,600 a year salary at Goodrich with pay of \$13,700.

Goodrich went to court and got an injunction stopping Wohlgemuth from doing any work for Latex.

"Until the hiring of Mr. Wohlgemuth," said Goodrich, "it had been the uniform practice of companies in the industry to train their own space suit scientists."

Latex replied that Wohl-

gemuth had a right to advance his career, said Goodrich was underpaying him for the job he was doing and that Latex merely paid him average rates for his kind of skills.

Further, Latex said its space suit technology was different from—in fact, was farther advanced than—Goodrich's.

Common Pleas Court Judge Frank H. Harvey in Akron, Ohio, where Goodrich is based, ruled after a trial that "the mere fact that a former employe who possesses a trade secret has accepted employment from a rival manufacturer isn't sufficient to warrant an injunc-

tion against the employe" unless evil intent is shown.

Wohlgemuth, who lives with his wife and child in a new house he bought near the Dover plant, could return to work, the judge said.

Goodrich appealed. What it seeks is a permanent order resembling a temporary one in a parallel case involving the Du Pont Co. and American Potash and Chemical Co., Los Angeles.

Du Pont has so far prevented Donald E. Hirsch, 38, a father of four who has a doctorate in chemical engineering from working for American Potash

on a process he helped Du Pont develop.

This order is merely a preliminary injunction, however. There has been no trial on the merits.

The Goodrich case is the forerunner because it has been to trial—the court decision which Goodrich lost. Now Goodrich hopes to win its point on appeal.

Attorneys from Du Pont and the many other firms with similar cases brewing will watch carefully the Goodrich appeal hearings in Akron April 11.

So will thoughtful members of technical staffs throughout American industry.

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**Firefighters Voice Plea**

SALEM (AP)—The House Tax Committee heard a plea Tuesday night for part of a cigarette tax to be used for training and additional facilities for rural and volunteer fire districts.

Harold Jacobson, Portland, representing Oregon Fire Services, asked the committee for one-fifth of a cent of a 4-cent cigarette tax if the committee decided to recommend such a tax.

Jacobson said this would amount to about \$450,000 a year. He said it would be used for death benefits for firemen's families; for equipping training centers; for strengthening the fire marshal's staff; and for operating four area fire drill facilities.

Jacobson said the cigarettes cause a hardship on firefighters, and the type of fire caused by cigarettes is more likely to result in smoke damage to firemen.

The Oregon Fire Services is composed of the Oregon Fire Chiefs Assn., the Oregon Volunteer Firemen Assn., and the Oregon Rural Fire Protection Districts Assn.

**Smoking, Health Institute Set At OSU April 11**

CORVALLIS—To call attention to dangers of smoking, Oregon State University and state medical and health organizations will sponsor a public "Institute on Smoking and Health" April 11 at OSU.

The institute will be repeated the following day at Portland State College.

Research reports are scheduled on the relation of smoking to cancer, heart disease, chronic bronchitis and lung diseases, along with a review of the behavioral aspects of smoking.

Speakers will be four nationally-known medical leaders. They include: Dr. E. Cuyler Hammond, director of statistical research, American Cancer Society; Dr. Joseph T. Doyle, director of cardiovascular medicine, Albany, N.Y. Medical College; Dr. R. H. Browning, professor of medicine and chest diseases, Ohio State University, and Dr. Thomas Carlisle, Seattle radiologist and past president of the American Cancer Society.

The institute is believed to be the first of its kind in the state, and one of the first in the nation, according to Dr. C. L. Anderson, OSU professor of health and hygiene.