

The case thus far decided indicates the tendency of the courts to decide this case in the same way as the case where the secret is found out by analysis.

It is interesting in this connection to notice the language used by the various courts. In *Tabor v. Hoffman*, the court says: "If a valuable medicine not protected by patent, is put upon the market anyone may, if he can, by chemical analysis and a series of experiments, discover the ingredients and their proper proportions and may use the process without danger of interference, but because this discovery may be possible by fair means it would not justify a discovery by unfair means such as the bribery of a clerk who, in the course of his employment, had aided in compounding the medicine and had thus become familiar with the formula." In *Park v. Hartman*, we find the language: "A trade secret or medical formula protects its owner only against disclosure and, as we have already seen, one is free not only to use the process of formula, if discovered by skill and investigation, without breach of trust, but to make and sell the thing or preparation as made by the process of formula of the original discoverer, if that be the truth." The old case of *Morrison v. Moat*, contributes the following: "The defendant derives under that breach of faith and contract, and I think he can gain no title by it. It might, indeed, be different if the defendant were a purchaser for value of the secret without notice of the obligation affecting it."

It was decided in *Vulcan Detinning Co. v. American Can Co.*, that where one becomes bound by contract or confidence to another not to reveal a trade secret possessed by the other, he cannot in a suit to restrain him from utilizing such trade secret, set up that the complainant had no right to it because it had been obtained honestly from owners who had dishonestly obtained the knowledge from the discoverer.

Two of the cases nearest in point are *Chadwick v. Covell*, and *Stewart v. Hook*, and both of these cases hold that the defendant may be restrained only when it can be shown that he is doing something in fraud of the plaintiff's rights.