

# **RICHMOND JOURNAL OF LAW & TECHNOLOGY**

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**VOLUME XVI, ISSUE 2, FALL 2009**

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January 8, 2010

Dear Readers:

The *Richmond Journal of Law and Technology* is proud to present the second issue of the 2009–2010 academic year.

The *Journal* would not be possible without the collective efforts of our staff members. On occasion, the *Journal* directly benefits from the scholarly contributions of its individual members. In this issue, we are honored to present the work of our Copy Editor, Shanna Harris. In our first article, “The Regulation of Nanomedicine: Will the Existing Regulatory Scheme of the FDA Suffice?,” Shanna explores the ethical, privacy, and liability concerns of regulating nanotechnology currently being developed in modern medicine. Shanna calls for the mitigation of foreseeable problems today to allow society to benefit from nanomedicine tomorrow.

While developments in technology may sometimes require regulatory adaptations, interpretations of administrative law can affect the development of new technologies. In our second article, “Will the Federal Circuit’s *Eli Lilly v. Teva* Decision Lead to Efforts To Abuse the Modification Provision of the Hatch-Waxman Act?,” Claire Comfort suggests that uncertainty resulting from a decision may affect the marketability of generic drugs. Comfort argues that the failure of the Federal Circuit to provide clear guidance on the proper interpretation of these modification provisions may lead to an increase of statutory stays on generic drug approval.

Existing law can also present challenges to new technologies that do not fit squarely into current legal regimes, particularly where the law is well established. For example, Michael Fuerch argues that current intellectual property law is insufficient to protect some aspects of chip design in our third article, “Dreadful Policing: Are the Semiconductor Industry Giants Content with Yesterday’s International Protection for Integrated Circuits?” Fuerch notes the deficiencies of both patent and copyright law in the United States and international treaties, and suggests that Congress take the lead in increasing international intellectual property protection for semiconductor chip layout designs.

Another example of existing law presenting challenges for technology is addressed in our final article. In “Students’ Free Speech Rights Shed at the Cyber Gate,” Vivian Lei tackles the scope of students’ First Amendment rights when expressing their opinions over the Internet, both on and off campus. Lei contends that existing First Amendment precedent regarding students’ free speech is vague and fails to properly address student expression over the Internet. Lei proposes a bright line test that focuses on the dissemination of a student’s Internet speech on campus to determine whether school administrations may discipline the student.

On behalf of the entire 2009-2010 *Journal* staff, I extend our deepest gratitude and sincerest thanks for your continued readership and support. The *Journal* also appreciates the continuing support and assistance of the faculty and staff at the University of Richmond School of Law, most especially the guidance we receive from our faculty advisors, Professors Melanie Holloway and Jim Gibson.

We are confident you will enjoy our second issue. As always, your comments and suggestions are welcome at [jolt@richmond.edu](mailto:jolt@richmond.edu).

Best regards,

A handwritten signature in black ink, appearing to read 'R. Michaux', with a stylized flourish at the end.

Robert Michaux  
Editor-in-Chief

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