

**PITTSBURGH JOURNAL OF TECHNOLOGY LAW & POLICY**

---

VOLUME 15

SPRING 2015

ISSUE 2

**TABLE OF CONTENTS**

***ARTICLES***

*America Invents Act's Prior User Defense: Lessons from Global Patent Regimes and Legislative History*

Aleksey Khamin

*Prioritizing Demand Response: How Federal Legislation and Technological Innovation Changed the Electricity Supply Market and the Need to Revitalize FERC Order 745*

Bradley J. McAllister

*Elonis v. United States: The Doctrine of True Threats: Protecting Our Ever-Shrinking First Amendment Rights in the New Era of Communication*

Mary Margaret Roark

*The Chilling Realities of the Telecommuting Tax: Adapting Twentieth Century Policies for Twenty-First Century Technologies*

Michael Kraich

---

***STAFF ARTICLE SERIES***

*Recreational UAVs: Going Rogue with Pennsylvania's Strict Products Liability Law Post-Tincher*

Lindsey E. Buckley

*Embracing the Imminent: Proposed Legislation for Automated Cars in Pennsylvania*

Katelyn Sheinberg

*Weaponized Police Drones and Their Effect on Police Use of Force*

Kyle Stelmack

PITTSBURGH JOURNAL OF TECHNOLOGY LAW & POLICY

VOLUME 15

SPRING 2015

ISSUE 2

2014-2015 EDITORIAL STAFF

**Board of Editors**

***Editor-in-Chief***

SAMUEL FRANKLIN

***Lead Executive Editor***

MEGAN DAVIS

***Lead Articles Editor***

VERONICA CARTER

***Executive Editors***

MATTHEW S. FEINMAN  
ELIE FREEDMAN

***Lead Research Editor***

LARRY MCINTYRE

***Topics Editor***

CASEY MARTINEZ

***Managing Editor***

ALEXA SHANNON

***Alumni Chair***

TODD HIGHTOWER

***Research Editors***

NICHOLAS BUNNER  
PAUL ROSSARIO COURY  
JADE SALYARDS

***Articles Editors***

LINDSEY BUCKLEY  
DANIELLE EVANS  
KATELYN SHEINBERG

NADER ALSHEIKH  
MAC BOOKER  
SARA CREWSON  
TAYLOR GILLAN  
REBECCA HAMMOND  
MORGAN JENKINS  
REBECCA KENNEDY

***Staff Editors***

J DARWIN KING, JR.  
MICHAEL KRAICH  
NORBERT LAZAR  
GABRIELLE LEE  
JAMES LEE  
BRADLEY McALLISTER  
DONAE MINOR  
MELODY MITCHELL

JEREMY PAPP  
CATHERINE LEE RASSMAN  
CHRIS SCHREYER  
KYLE STELMACK  
ERIN STRANG  
ENDIA VEREEN  
JOSHUA VOCKE  
TYLER WILSON

**Faculty Advisor**

MICHAEL J. MADISON

**Document Technology  
Center**

***Director***

LuANN M. DRISCOLL

***Staff***

PHYLLIS GENTILE  
KAREN KNOCHEL  
DARLEEN MOCELLO  
BARB SALOPEK

## *General Publication Information*

### **SUBSCRIBER INFORMATION**

The *Pittsburgh Journal of Technology Law & Policy* (JTLP) is a student-produced journal of contemporary legal topics involving technology of all kinds. The Journal publishes two issues per year, one in the fall and one in the spring.

**Correspondence.** Address all correspondence regarding permission to reprint to Managing Editor, *Pittsburgh Journal of Technology Law & Policy*, University of Pittsburgh School of Law, 3900 Forbes Ave. Pittsburgh, PA 15260; [tlpjournal@gmail.com](mailto:tlpjournal@gmail.com). Authors: see section entitled *Information for Authors*.

**Form.** The text and citations in the JTLP conform generally to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 19th ed. 2010). Please cite this issue of the *Pittsburgh Journal of Technology Law & Policy* as 15 PGH. J. Tech. L. & Pol'y 132 (2015).

### **INFORMATION FOR AUTHORS**

The Editorial Board of the *Pittsburgh Journal of Technology Law & Policy* invites the submissions of unsolicited manuscripts. Submissions may include articles, essays, case notes, or comments concerning any aspect of the relationship between technology and the law. If any portion of a manuscript has been previously published, the author should so indicate. On certain scholarly works, JTLP will publish concurrently with another Journal.

**Format.** Authors may submit manuscripts in electronic or hardcopy form, though electronic submissions are strongly encouraged. Electronic submissions should be sent as attachments in Microsoft Word format to [pittjtlp.submissions@gmail.com](mailto:pittjtlp.submissions@gmail.com). Authors should submit double-spaced, single-sided manuscripts with generous margins. We regret that submissions cannot be returned. Authors should retain an exact copy of any material submitted.

**Citations.** All citations should conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 19th ed. 2010). Additionally, the author should include his or her credentials, including full name, degrees earned, academic or professional affiliations, and citations to previously published articles.

**Copyrighted Material.** If manuscript contains any copyrighted table, chart, graph, illustration, photograph, or more than eight lines of text, the author must obtain written permission from the copyright holder for use of the material. A photocopy of such written permission should accompany the submission.

**Mailing Address.** The *Pittsburgh Journal of Technology Law & Policy* (JTLP) strongly prefers electronic submissions be sent as Microsoft Word attachments to

[pittjtlp.submissions@gmail.com](mailto:pittjtlp.submissions@gmail.com). However, JTLP also accepts hardcopy manuscripts sent to:

Executive Editor  
The *Pittsburgh Journal of Technology Law & Policy* (JTLP)  
University of Pittsburgh School of Law  
3900 Forbes Ave.  
Pittsburgh, PA 15260

**Donors.** The *Pittsburgh Journal of Technology Law & Policy* is a nonprofit organization and welcomes donations. Donors are recognized appropriately for their contributions. For more information, contact The *Pittsburgh Journal of Technology Law & Policy*, University of Pittsburgh School of Law, 3900 Forbes Ave., Pittsburgh, PA 15260, or email [tlpjournal@gmail.com](mailto:tlpjournal@gmail.com).