

Washington University Law Review

VOLUME 90

NUMBER 5

2013

© 2013 by Washington University

CONTENTS

ARTICLES

BLACKNESS AS DELINQUENCY *Cheryl Nelson Butler* 1335

PATENT LAW'S FUNCTIONALITY
MALFUNCTION AND THE
PROBLEM OF OVERBROAD,
FUNCTIONAL SOFTWARE
PATENTS..... *Kevin Emerson Collins* 1399

ASKING THE FIRST QUESTION:
REFRAMING *BIVENS*
AFTER *MINNECI**Alexander A. Reinert* 1473
Lumen N. Mulligan

NOTES

MR. EMANUEL RETURNS FROM
WASHINGTON: DURATIONAL
RESIDENCE REQUIREMENTS AND
ELECTION LITIGATION *Gavin J. Dow* 1515

“CONCERT” OR SOLO GIG? WHERE THE
NLRB WENT WRONG WHEN IT LINKED
IN TO SOCIAL NETWORKS*Andrew Metcalf* 1543

COMMENTARY

LEGISLATIVE OVERSIGHT OF A BILL OF
RIGHTS: A WAY TO RECTIFY JUDICIAL
ACTIVISM.....*Duane L. Ostler* 1581