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Tuesday, May 27, 2014

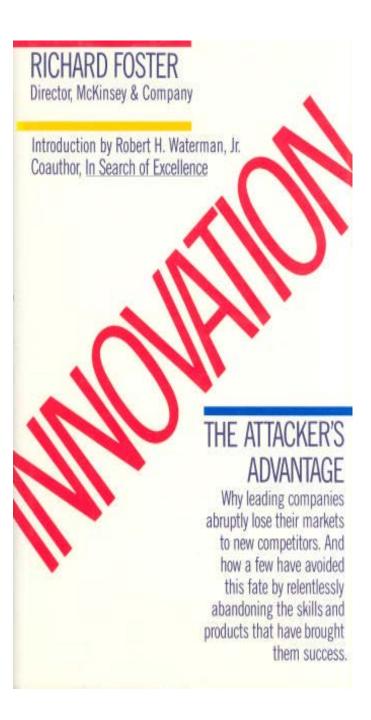




A Triumvirate of Forces (Plaintiffs, Insurers and Regulators) Soon Will Impact Nano Commercialization:

A Predicative Assessment of Governance, Economic and Public Perception Implications

# Where are we in the evolution of nanotech commercialization?



# PERFORMANCE and RETURN

Innovation and Development

**Maturity** 

Growth

TIME

0 25 50 75 YEARS

#### Nanotechnology on the Cusp

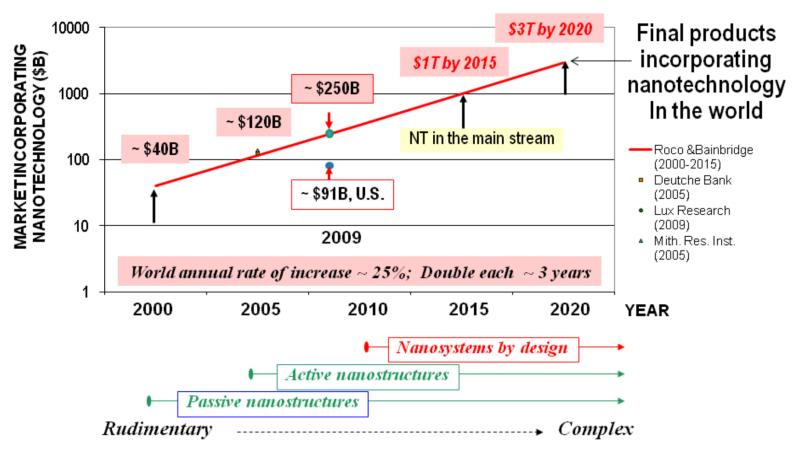
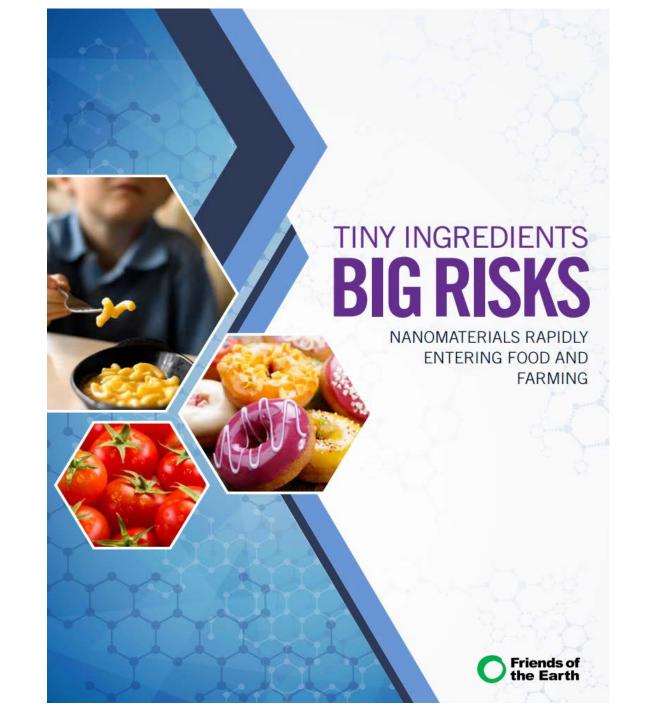


Figure 3. Market timeline: projection for the worldwide market of finite products that incorporate nanotechnology (estimation made in 2000 at NSF; Roco and Bainbridge 2001). These estimations were based on direct contacts with leading experts in large companies with related R&D programs in the United States, Japan, and Europe, as part of the international study completed between 1997 and 1999 (Siegel et al. 1999).

## The Plaintiffs' Bar



#### www.nanotortlaw.com

The factors that could create a toxic, nanolitigation storm are:

(1) ubiquitous exposure; (2) sympathetic plaintiffs; (3) sensational press (4) reactive politicians; (5) product identification capability pointing to a specific product or a specific defendant; (5) biomarker and causation evidence; (6) corporate culpability; (7) state-of-the art medical and liability; (8) the serious, objective, potentially permanent nature of a potential injury due to nanomaterial exposure compared with potentially subjective transitory injury; (9) deep pockets of recovery; (10) product benefit-cost utility; and (11) warnings and personal choices involved with exposure.

## Insurers



"The insurance industry is concerned, not so much because experience shows that new technology developments tend to give rise to new loss scenarios, as because the extent of these potential claims can either be difficult or impossible to assess correctly."

**Business Insurance Journal** 

## Regulators

### Plaintiffs + Insurers + Regulators (Public Perception)

#### Case studies:

- Asbestos
- Nuclear
- Terrorism

#### **CONCLUSIONS**

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