## 1

#### Interp: Debaters must not disclose on the NDCA LD Wiki their orientation to the ongoing race war as “cringe”

#### Violation: They did

Graphical user interface, text, application, email

Description automatically generated

#### That’s a Voter:

#### a.] Naturalization – taking a stance as “cringe”, the ongoing violence becomes pathologized – its especially important at the TOC distributing tournaments where thousands of other debaters are eagerly following on, scouting wiki’s etc. Think about the signal it would send in our community if every debater at the TOC but a recognition of debates hostility and made a promise of how they could be held accountable.

#### This is a question of ci – make them prove why calling the race war cringe is good

## 2

#### Interpretation: Debaters may not justify 1ar theory is dtd, no rvi, competing interps, no new 2n theory paradigm issues , and it’s the highest layer

#### Violation: its all in the underview

#### Standard: Infinite Abuse - their norm justifies the affirmative auto winning every round since they can read a risk free 1AR shell with DTD and Competing interps which I cannot answer since the theory shell since they make paradigm issues like evaluate the theory debate after the 1ar in the 1ar. And since I don’t have 2n paradigm issues I can’t contest it. Even if I try to uplayer the shell and read meta theory to get an out in the 2NR I can’t since your shell is the highest layer and nor can I go for paradigm issues like reasonability to gut check the shell since you denied that as well. Norming is an independent voter since justifying the value of debate necessarily justifies the norms of the activity being good in order for debate to be valuable.

#### Drop the debater—the abuse has already occurred and my time allocation which leads to severance in the 1ar which ow/s on magnitude b) to deter future abuse, big punishment incentivizes people to stop bad practices especially true with infinte abuse standard that means the aff will always win

#### Competing interps – a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm b] it creates a race to the top where we create the best possible norms for debate.

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) chilling effect – forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, d) topic ed – prevents 1AR blip storm scripts and allows us to get back to substance after resolving theory d) Double Bind – either 1) my Theory shell is unwarranted in which case you shouldn’t have any problem answering it or 2) you’re actually abusive in which case the whole shell stands and outweighs.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### 1NC theory first a] If I was abusive it was because the 1AC was b] We have more speeches to norm over whether it’s a good idea c] 2AR answers to the 2NR counter-interp are always new, which means their interp is easier to win.

## 3

#### Hedonism collapses to moral egoism – even if pleasure is intrinsically good and motivating, it doesn’t follow that other subjects pleasure is also intrinsically good

#### 1] Non-sequitur – saying that x is good for me doesn’t entail that x is good for everybody.

#### 2] Solipsism – we can’t verify if other humans also are experiential subjects or are just fleshy objects.

#### 3] Dependency – Even if pleasure is good for everyone, they haven’t warranted why one agent has an obligation to any other. Outweighs – none of their metaphysical justifications are actor-specific. Moral egoism means relativism which they can’t solve.

#### Moral egoism means relativism which they can’t solve

#### 1] Schmagency – even if we know what is ethical, there’s no reason that we are bound to ethical behavior.

#### 2] Application – even if we agree on what is ethical, we’ll still disagree on what the best way on how to maximize ethical outcomes.

#### The solution is the sovereign – we must surrender moral judgement.

Williams Williams, Michael C. (Professor in the Graduate School of Public and International Affairs at the University of Ottawa). “Hobbes and International Relations: A Reconsideration.” *International Organization*, Volume 50, Number 2, pgs. 218-220. Spring 1996. [**https://www.jstor.org/stable/2704077**](https://www.jstor.org/stable/2704077). Cho recut from PZ

By themselves, the laws of nature are not enough, not because rational actors cannot trust each other enough to enter into a social contract but because in the condition of epistemological indeterminacy that Hobbes portrays as natural, this universality is at best a partial step. For even if all were to agree on the right to self-preservation, all need not necessarily agree on what comprised threats to that preservation, how to react to them, or how best to secure themselves against them. Conflict is not simply intrinsic to humanity's potential for aggression; nor can it be resolved directly through the utilitarian calcula- tions of competing and conflicting interests. On the contrary, Hobbes believes that the answer lies in recognizing the problem: namely, the inability to resolve objectively the problem of knowing facts and morals in any straightforward manner. Once this is recognized, the stage is set for Hobbes's solution, a solution that lies not-as Donald Hanson has argued-in a flight from politics but rather in an appeal to politics.19 Or, put another way, Hobbes tries to show how rational certainty and skepticism can be paradoxically combined into a solution for politics and a solution by politics. To escape the state of nature, individuals do not simply alienate their "right to everything" to a political authority.20 More fundamentally, what is granted to that authority is the right to decide among irresolvably contested truths: to provide the authoritative criteria for what is and thus to remove people from the state of epistemic and ethical anarchy that form the basis of the state of nature. Hobbes uses his skepticism both to show the necessity of his solution and to destroy (what he views as dogmatic) counterclaims to political authority based upon unsupportable (individual) claims to truth. In arguing against what he views as seditious individual claims against the authority of the sovereign in De Cive, Hobbes puts it in the following way: "the knowledge of good and evil belongs to each single man. In the state of nature indeed, where every man lives by equal right, and has not by any mutual pacts submitted to the command of others, we have granted this to be true; nay, [proved it] ... [But in the civil state it is false. For it was shown. . .] that the civil laws were the rules of good and evil, just and unjust, honest and dishonest; that therefore what the legislator commands, must be held for good, and what he forbids for evil. "21 Earlier in the same work, he phrased the argument even more unequivocally, noting that since "the opinions of men differ concerning meum and tuum, just and unjust, profitable and unprofitable, good and evil, honest and dishonest, and the like; which every man esteems according to his own judgment: it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what honest, what dishonest, what good, what evel; that is summarily, what is to be done, what to be avoided in our common course of life." It follows that for Hobbes: "All judgment therefore, in a city, belongs to him who hath the swords; that is, to him who hath the supreme authority."22 These are the fundamental reasons why the sovereign must be unchallenge- able; to rebel is to return to the subjectively relative claim to know and the conflict that this inevitably entails. They also explain why the sovereign ultimately must control language (which defines what is) and clarify Hobbes's repeated stress on the importance of education rather than coercion as the essential element in a successful sovereign's rule.23 Interpretive dissent leads to political dissension and to conflict. In the words of Hobbes's patron, the Earl of Newcastle, "controversy Is a Civil Warr with the Pen which pulls out the sorde soon afterwards. "24

#### Outweighs util

#### 1] Solves skep

#### A] Relativism – the sovereign can arbitrate their truths as objective which secures moral certainty

#### B] Linguistic – obligations are always up to interpretation which means we can never follow them, like how the bible or constitution are heavily debated on. Surrendering judgement solves by declaring the sovereign’s interpretation as objectively true.

#### 2] Solves state of nature – infinite violence occurs over attempts to be the creator of meaning, the sovereign solves by eliminating all disagreements Outweighs under util – the state of nature is definitionally the epitome of pain.

#### That outweighs:

#### A] Abduction – even if util is true and motivating, they can’t explain why we don’t follow it. Answering this negates – If we were actually motivated by utilitarian obligations then the squo would be the best state of affairs.

#### B] hijacks lexical pre-req – even if util is true we can’t ever use it because we fear for our bodily security.

#### Negate

#### 1] IP rights are crucial to sovereign arbitration.

Ghosh 04 [Shubha Ghosh (B.A., Amherst College; Ph.D., University of Michigan; J.D., Stanford Law School; Professor of Law, University at Buffalo, SUNY, Law School; Visiting Professor, SMU Dedman School of Law). “PATENTS AND THE REGULATORY STATE: RETHINKING THE PATENT BARGAIN METAPHOR AFTER ELDRED”. BERKELEY TECHNOLOGY LAW JOURNAL. 2004. Accessed 9/3/21. <https://lawcat.berkeley.edu/record/1119327/files/fulltext.pdf> //Xu]

As illustration of the limits of social contract theory,46 particularly the malleability of the notions of consent and promise, consider a social contract theory of intellectual property based on the thoughts of Thomas Hobbes rather than that of John Locke. No scholar has expressly developed a Hobbesian theory of patent or of copyright, but as a challenge to social contract theory, it may be useful to imagine what such a theory would look like.47 For Hobbes, humans created the leviathan-the sovereign state-to protect themselves from each other in the state of nature. 48 Without the leviathan, the state of nature was not an idyllic paradise but a condition of savagery and brutality. In the state of nature, to the extent that any creative activity occurred, the objects of creation would be cannibalized, thoughtlessly copied, adapted, distributed, and performed or used, sold, offered to sell, and made by others. Thus, intellectual property law under the leviathan would protect individuals from this state of nature by making them absolute, immutable, bountiful, and unlimited. Humans would consent to these terms if they were enforced equally for all creations, and each author and inventor would promise to all others to abide by this form of the intellectual property social contract.

#### 2] Sequencing – a sovereign can’t be obligated to do anything because they are the ones who choose what ethics and truth – the rez tries to coerce the sovereign to do something which challenges its authority.

#### My offense o/ws on specificity because only our fw answers the question of government obligations. Their framework can’t solve skep which results impossible calculus and moral permissibility.

#### NCC – anything else allows them to concede all our framework interactions and just go for 4 minutes of turns against our NC which o/w since phil is the only thing unique to LD Debate and time is the only quantifiable metric of abuse

## 4

#### Sustained Biden influence flips Manchin and Sinema which passes infra – PC is key.

Bolton 9/15 [Brackets Original. ALEXANDER BOLTON (AB in Philosophy from Princeton University, Staff writer at The Hill).” Democrats hope Biden can flip Manchin and Sinema”. 09/15/21. Accessed 9/16/21. <https://thehill.com/policy/energy-environment/572506-democrats-hope-biden-can-flip-manchin-and-sinema?rl=1> //Xu]

President Biden met face to face with Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) on Wednesday, stepping up his involvement in the effort to unify congressional Democrats behind a $3.5 trillion spending package. Democratic lawmakers are hailing Biden’s personal attention as a game-changing development at a critical moment. “The ones who are negotiating publicly, I think it is fair to say, they’re the toughest votes to get,” Sen. Tim Kaine (D-Va.) said of Manchin and Sinema. “This is really important for the Biden administration, and so it’s all on deck,” he added of the efforts to get the two holdouts to support the reconciliation package. Kaine noted that Biden “has a strong personal relationship with Manchin.” “Both Joe and Kyrsten really want [Biden] to be a successful president. (A) It’s good for the country. (B) It’s good for their states. (C) It’s good for their own politics,” Kaine added. While the White House has been involved in negotiations with Senate Majority Leader Charles Schumer (D-N.Y.) and Speaker Nancy Pelosi (D-Calif.) over the size and scope of the spending package, Biden’s recent public appearances have focused more on the U.S. withdrawal from Afghanistan, the rise in COVID-19 cases, and wildfires and floods in various parts of the country. White House press secretary Jen Psaki on Wednesday said the president knows the Manchin and Sinema meetings were only the start of negotiations with moderate Democrats. “The president certainly believes they’ll be ongoing discussions, not that there’s necessarily going to be a conclusion out of those today,” she told reporters at the White House. John LaBombard, a spokesman for Sinema, called Wednesday’s meeting “productive.” “Kyrsten is continuing to work in good faith with her colleagues and President Biden as this legislation develops,” he said. Biden, who spent decades in the Senate before becoming vice president, met separately with each senator in an apparent effort to maximize the effect of his personal involvement. He sat down with Sinema around 10 a.m. and met with Manchin several hours later. Manchin was spotted walking into the White House at 5:30 p.m. wearing a blue blazer, gray slacks and rubber-soled boat shoes. The prospects of passing the entire $3.5 trillion human infrastructure package suffered several setbacks in recent weeks, largely because of Manchin and Sinema. The two senators raised red flags about the bill’s price tag, and Manchin has criticized specific provisions such as the Clean Electricity Performance Program, which would provide $150 billion to steer electric utilities away from coal to renewable energy sources. Manchin called for a “strategic pause” on the bill in a Wall Street Journal op-ed with the headline “Why I won’t support spending another $3.5 trillion.” “Ignoring the fiscal consequences of our policy choices will create a disastrous future for the next generation of Americans,” he warned. Sinema has also threatened to vote against a $3.5 trillion spending bill, although she has pledged to “work in good faith to develop this legislation with my colleagues and the administration.” On the other side of the Capitol, Democrats suffered a blow with the drafting of their reconciliation bill Wednesday when three Democrats on the House Energy and Commerce Committee — Reps. Kurt Schrader (Ore.), Scott Peters (Calif.) and Kathleen Rice (N.Y.) — voted against legislation to lower drug prices, which Democratic leaders are counting on as a key pay-for in the larger package. Separately, Rep. Stephanie Murphy (D-Fla.) sided with Republicans in the House Ways and Means Committee vote Wednesday to advance that panel's portion of the reconciliation package, citing concerns about tax provisions. Manchin reiterated his concerns with the massive reconciliation bill at a Senate Democratic caucus lunch meeting on Tuesday. The remarks, however, fell flat with colleagues. “We’re frustrated with Manchin,” said one Democratic senator who attended the meeting. “It’s not like the president has shunned him. He’s reached out to Manchin before. Nobody’s gotten more attention from the White House.” The lawmaker said Manchin reprised some of the arguments he made in The Wall Street Journal and during appearances on CNN’s “State of the Union” and NBC’s “Meet the Press” over the weekend. “The $64,000 question is, what’s his endgame? We don’t know,” said the lawmaker. “Part of what Biden is trying to figure out is, where does Manchin want to go?” On Tuesday, Manchin questioned the need to spend $150 billion on weaning power plants away from coal when there are already plenty of private sector incentives to do so. “Why should we be paying utilities to do what they’re already doing? We’re transitioning. Fifty percent of our power came from coal in the year 2000. Twenty years later, [it’s] 19 percent,” he told reporters. Manchin also said he’s concerned about the reliability of depending entirely on renewable energy sources. Senate Democrats have grown frustrated over what they view as Manchin’s “vague” demands for what the reconciliation bill should look like. They also didn’t appreciate the double-barreled criticism in his Wall Street Journal op-ed that caught them off guard during the August recess. “I was on a [congressional delegation trip] overseas with several colleagues when we read the op-ed, and we were aghast,” said another Democratic senator, who requested anonymity to discuss the internal dynamics of the Democratic caucus. Manchin said fellow Democrats were “rushing” to spend another $3.5 trillion without fully understanding the potential ramifications of their actions. He warned that the bill could leave the federal government short of resources to respond to the pandemic if it gets worse because of viral mutations or if there’s another financial crisis like the Great Recession. While some Democratic strategists have privately complained that Biden has not made more of a public sales pitch on behalf of his human infrastructure proposal, Democratic senators say they’re happy the president has let the talks play out on Capitol Hill without much interference. Kaine said “it’s really important” that Biden is now getting personally involved in trying to persuade Manchin and Sinema get on board with the reconciliation bill. “There’s a time when you get involved, and now is that time,” he said. Kaine said Biden’s intervention in negotiations over the bipartisan $1 trillion infrastructure bill that passed the Senate last month was “very critical” to keeping it on track.

#### WTO-facilitated IP negotiations sap Biden political capital – sustained influence is key to effective policy action.

Lawder 5/6 [David Lawder (Trade and Global Economy Correspondent @ Reuters). “WTO vaccine waiver could take months to negotiate, faces opposition -experts”. Reuters. May 6, 2021. Accessed 9/16/21. <https://www.reuters.com/world/china/vaccine-ip-waiver-could-take-months-wto-negotiate-experts-2021-05-06/> //Xu]

* Consensus
* Complexity
* Mobilize against companies

World Trade Organization (WTO) negotiations on a waiver of intellectual property rights for COVID-19 vaccines could take months - provided they can overcome significant opposition from some member countries, trade experts say. The talks also are likely to focus on a waiver that is significantly narrower in scope and shorter in duration than the one initially proposed by India and South Africa last October. Prior to U.S. President Joe Biden's decision on Wednesday to back talks for a vaccine waiver, the two countries confirmed their intention to draft a new proposal after seven months of opposition. WTO Director General Ngozi Okonjo-Iweala welcomed Biden's move on Thursday and urged talks on the new plan to start as soon as possible. "The world is watching and people are dying," she added. "At a minimum, it's going to be a month or two," Clete Willems, a former Trump White House trade official who previously worked at the U.S. trade mission to the WTO in Geneva, said of any possible agreement. "Right now, there is no proposal on the table that would waive the TRIPS agreement simply for vaccines," he said, referring to the WTO's agreement on Trade-Related Aspects of Intellectual Property Rights that governs the transfer of property like movie rights or vaccine-manufacturing specifics. A more realistic goal may be completion of the agreement in time for the WTO's next ministerial conference, scheduled for Nov. 30 through Dec. 3, said Willems, now a trade partner at the Akin Gump law firm in Washington. That would give vaccine producers more time to boost global supplies which could help contain the virus and ease pressure for the waiver. The initial IP waiver proposal by India and South Africa last October included vaccines, treatments, diagnostic kits, ventilators, protective gear and other products needed to battle the COVID-19 pandemic. HAGGLING OVER WORDS U.S. Trade Representative (USTR) Katherine Tai said on Wednesday that she will pursue "text-based negotiations" on the WTO waiver, the standard but tedious process for trade deal talks. Negotiators trade texts with their preferred wording, then try to find common ground, sometimes leaving blank spaces for thorny differences to be settled by politicians. All 164 WTO member countries must reach consent on such decisions, with any one member able to block them. "Those negotiations will take time given the consensus-based nature of the institution and the complexity of the issues involved," Tai said in a statement that tamped down expectations for a quick deal. While Biden's backing adds political impetus to get a deal done, Germany, home to Pfizer's (PFE.N) vaccine partner BioNTech SE , on Thursday rejected the waiver proposal. A German government spokeswoman said that manufacturing capacity was the main constraint on supplies, not intellectual property. European Commission president Ursula von der Leyen said only that she was willing to discuss Biden's plans. U.S. companies, which strive to influence the USTR's trade negotiations, are already mobilizing to try to ensure the WTO talks lead to a waiver that is as narrowly targeted as possible. "This is a mitigation effort. We're aiming to make it less bad than it otherwise would be," one industry source said.

#### Infrastructure solves existential climate change – spill-over.

USA Today 7-20 [7-20-2021 "Climate change is at 'code red' status for the planet, and inaction is no longer an option". Editorial Board @ USA Today. Accessed 8/30/21. <https://www.usatoday.com/story/opinion/todaysdebate/2021/07/20/climate-change-biden-infrastructure-bill-good-start/7877118002/> //Recut Xu from Elmer]

Not long ago, climate change for many Americans was like a distant bell. News of starving polar bears or melting glaciers was tragic and disturbing, but other worldly. Not any more. Top climate scientists from around the world warned of a "code red for humanity" in a report issued Monday that says severe, human-caused global warming is become unassailable. Proof of the findings by the United Nations' Intergovernmental Panel on Climate Change is a now a factor of daily life. Due to intense heat waves and drought, 107 wildfires – including the largest ever in California – are now raging across the West, consuming 2.3 million acres. Earlier this summer, hundreds of people died in unprecedented triple-digit heat in Oregon, Washington and western Canada, when a "heat dome" of enormous proportions settled over the region for days. Some victims brought by stretcher into crowded hospital wards had body temperatures so high, their nervous systems had shut down. People collapsed trying to make their way to cooling shelters. Heat-trapping greenhouse gases Scientists say the event was almost certainly made worse and more intransigent by human-caused climate change. They attribute it to a combination of warming Arctic temperatures and a growing accumulation of heat-trapping greenhouse gases caused by the burning of fossil fuels. The consequences of what mankind has done to the atmosphere are now inescapable. Periods of extreme heat are projected to double in the lower 48 states by 2100. Heat deaths are far outpacing every other form of weather killer in a 30-year average. A persistent megadrought in America's West continues to create tinder-dry conditions that augur another devastating wildfire season. And scientists say warming oceans are fueling ever more powerful storms, evidenced by Elsa and the early arrival of hurricane season this year. Increasingly severe weather is causing an estimated $100 billion in damage to the United States every year. "It is honestly surreal to see your projections manifesting themselves in real time, with all the suffering that accompanies them. It is heartbreaking," said climate scientist Katharine Hayhoe. Rising seas from global warming Investigators are still trying to determine what led to the collapse of a Miami-area condominium that left more than 100 dead or missing. But one concerning factor is the corrosive effect on reinforced steel structures of encroaching saltwater, made worse in Florida by a foot of rising seas from global warming since the 1900s. The clock is ticking for planet Earth. While the U.N. report concludes some level of severe climate change is now unavoidable, there is still a window of time when far more catastrophic events can be mitigated. But mankind must act soon to curb the release of heat-trapping gases. Global temperature has risen nearly 2 degrees Fahrenheit since the pre-industrial era of the late 19th century. Scientists warn that in a decade, it could surpass a 2.7-degree increase. That's enough warming to cause catastrophic climate changes. After a brief decline in global greenhouse gas emissions during the pandemic, pollution is on the rise. Years that could have been devoted to addressing the crisis were wasted during a feckless period of inaction by the Trump administration. Congress must act Joe Biden won the presidency promising broad new policies to cut America's greenhouse gas emissions. But Congress needs to act on those ideas this year. Democrats cannot risk losing narrow control of one or both chambers of Congress in the 2022 elections to a Republican Party too long resistant to meaningful action on the climate. So what's at issue? A trillion dollar infrastructure bill negotiated between Biden and a group of centrist senators (including 10 Republicans) is a start. In addition to repairing bridges, roads and rails, it would improve access by the nation's power infrastructure to renewable energy sources, cap millions of abandoned oil and gas wells spewing greenhouse gases, and harden structures against climate change. It also offers tax credits for the purchase of electric vehicles and funds the construction of charging stations. (The nation's largest source of climate pollution are gas-powered vehicles.) Senate approval could come very soon. Much more is needed if the nation is going to reach Biden's necessary goal of cutting U.S. climate pollution in half from 2005 levels by 2030. His ideas worth considering include a federal clean electricity standard for utilities, federal investments and tax credits to promote renewable energy, and tens of billions of dollars in clean energy research and development, including into ways of extracting greenhouse gases from the skies. Another idea worth considering is a fully refundable carbon tax. The vehicle for these additional proposals would be a second infrastructure bill. And if Republicans balk at the cost of such vital investment, Biden is rightly proposing to pass this package through a process known as budget reconciliation, which allows bills to clear the Senate with a simple majority vote. These are drastic legislative steps. But drastic times call for them. And when Biden attends a U.N. climate conference in November, he can use American progress on climate change as a mean of persuading others to follow our lead. Further delay is not an option.

## 5

#### Reject 1ar Theory

#### 7 - 6 time skew

#### No 3nr, so 2ar gets to weigh however they want

#### Judge psychology – judges are more likely to by 2a arguments as they are the last speech

#### Method testing – too many theory flows make it impossible to test the aff method 1ar theory uniquely adds too much

#### Resolvability – 1. Reciprocity you get a 2-1 speech advantage

#### 2. Norming – we only get 2 speeches of new arguments to deliberate over your shell which isn’t enough time and could create worse norms

#### f. there’s no such thing as infinite abuse as nc only has 7 minutes

#### g. 1ar theory used as a strategic advantage means infinite abuse claims should be viewed through grain of salt

#### Evaluate 1AR Theory Debate after 2N not 2A

#### Reciprocity –

#### key for giving us one speech each

#### resolves time skew args as we have to go for the shell and substance but you could just collapse to the shell in the 2A

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiability

#### Aff gets one 1ar shell: [a] Norming—multiple shells create no risk outs that spread out the 2nr and make testing each of them impossible—if they have 4 minutes on a frivolous shell like spec status they can win on it via brute force even though it’s a bad norm [b] Strat skew—multiple shells make the 2nr impossible by spreading it out too much to win any one layer—the 2nr will always undercover something and can’t win.

#### No new 1ar theory paradigm issues- A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B] introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

## Case

### UV

#### AT highest layer – a] if we read 13 minutes 1ar can easily deflate and win on substance b] 2AR psychology checks since you get last word on the theory flows

#### AT no new 2NR – a] makes it where you can go for the N-word shell and I can’t change paradigm issues to make I meets b] recalcification means 1nc is always behind 2nr is the only way we can check back

#### AT Shah 19 – a] isn’t a reason why aff fairness absolutely precludes neg fairness b] prefer our analytical responses ows verifiability since we all know its true

#### Pharma innovation is high now and strong IP protection are the only incentive

### PP

#### Presumption and permissibility negates – a) more often false than true since I can prove something false in infinite ways b) real world policies require positive justification before being adopted c) the aff has to prove an obligation which means lack of that obligation negates

#### On 1 point – a] isn’t a moral action b] aff burden is to prove obligatory and permissible this is just permissible

#### On 2 point – ur card is in the context of different distinctions – it seters permissibity from on actual obligation

#### On 3 point –a] doesn’t prove why it would flow aff b] doing too much under any fw is still bad

#### On 4 point – don’t believe that

#### On 5 point – debate solves

#### On 6 point – 1ar controls the direction of the round solves back

#### On 7 point – misses the boat just have to prove u don’t have an obligation

### Advantage

#### Secondary and Follow-on patents are key.

IP Watch 18 9-21-2018 "Inside Views: Why Follow-On Pharmaceutical Innovations Should Be Eligible For Patent Protection" <https://www.ip-watch.org/2018/09/21/follow-pharmaceutical-innovations-eligible-patent-protection/> (a non-profit independent news service that provides professional coverage of global policymaking on intellectual property and innovation.)//Elmer

Why Protect Follow-On Innovation? The **attack on secondary** pharmaceutical **patents is based** in part **on** the **flawed premise** that **follow-on innovation is of marginal value** at best, and thus less deserving of protection than the primary inventive act of identifying and validating a new drug active ingredient. In fact, **follow-on innovation** **can play** a **critical role in transforming** **an interesting drug candidate into a safe and effective treatment option** for patients. A good example can be seen in the case of **AZT** (zidovudine), a drug ironically described in the Guidelines as the “first breakthrough in AIDS therapy.” AZT **began** its life **as a** failed attempt at a **cancer drug**, and it was **only years later** that its potential **application in the fight against AIDS** was realized. Follow-on research resulted in a method-of-use patent directed towards the use of AZT in the treatment of AIDS, and it was this patent that incentivized the investment necessary to bridge the gap between a promising drug candidate and a safe, effective, and FDA-approved pharmaceutical. Significantly, because of the long lag time between the first public disclosure of AZT and the discovery of its use in the treatment of AIDS, patent protection for the molecule per se was unavailable. In a world where follow-on innovation is unpatentable, there would have been no patent incentive to invest in the development of the drug, and without that incentive AZT might have languished on the shelf as simply one more failed drug candidate. Other examples of important drugs that likely never would have been made available to patients without the availability of a “secondary” patent include **Evista** (raloxifene, used in the treatment of osteoporosis and to reduce the risk of invasive breast cancer), **Zyprexa** (olanzapine, used in the treatment of schizophrenia), and an orally-administrable formulation of the antibiotic cefuroxime. **Pharmaceutical development** **is prolonged and unpredictable**, and frequently **a safe and effective drug** **occurs only as a result of** **follow-on innovation** occurring **long** **after the initial synthesis** and characterization of a pharmaceutically interesting chemical compound. The inventions protected by secondary patents can be just as critical to the development of drugs as a patent on the active ingredient itself. The Benefits of Follow-On Innovation The criticism of patents on follow-on pharmaceutical innovation rests on an assumption that follow-on innovation provides little if any benefit to patients, and merely serves as a pretense for extending patent protection on an existing drug. In fact, there are many examples of follow-on products that represent significant improvements in the safety-efficacy profile. For example, the original formulation of Lumigan (used to treat glaucoma) had an unfortunate tendency to cause severe hyperemia (i.e., redeye), and this adverse event often lead patients to stop using the drug, at times resulting in blindness. Subsequent research led to a new formulation which largely alleviated the problem of hyperemia, an example of the type of follow-on innovation that significantly benefits patients but that which would be discouraged by a patent regime that does not reward follow-on innovation. Follow-on pharmaceutical innovation can come in the form of an extended-release formulation that permits the drug to be administered at less frequent intervals than the original formulation. Critics of secondary patents downplay the significance of extended-release formulations, claiming that they represent nothing more than a ploy to extend patent protection without providing any real benefit to patients. In fact, the availability of a drug that can be taken once a day has been shown to improve patient compliance, a significant issue with many drugs, particularly in the case of drugs taken by patients with dementia or other cognitive impairments. Extended-release formulations can also provide a more consistent dosing throughout the day, avoiding the peaks and valleys in blood levels experienced by patients forced to take an immediate-release drug multiple times a day. Other examples of improved formulations that provide real benefits to patients are orally administrable formulations of drugs that could previously only be administered by more invasive intravenous or intramuscular injection, combination products that combine two or more active pharmaceutical agents in a single formulation (resulting in improved patient compliance), and a heat-stable formulation of a lifesaving drug used to treat HIV infection and AIDS (an important characteristic for use in developing countries with a hot climate).