# 1NC

## 1

### 1NC – T

#### Interp: Reductions must \*decrease\*, otherwise it’s a limit

Speirs 7 – brief in the District Ct of Eastern Texas (REEDHYCALOG v. BAKER HUGHES OILFIELD, 2007 U.S. Dist. Ct. Pleadings LEXIS 9234)//BB

Baker Hughes's interpretation should be adopted. The claims expressly use the word "limit," not "reduce." The plain meanings of those two words are not the same. "Limit" means "a boundary" or a "restrict[ion]." See, e.g., RANDOM HOUSE UNABRIDGED DICTIONARY, Exh. 5 (2006). "Reduce" means "to bring down to a smaller extent, size, amount, number, etc." Id. Accordingly, the word "reduce" cannot be substituted for the word "limit." Moreover, the specification discusses the two words disjunctively. See'631 patent, Exh. 4 at col. 3, lines 12-15 ("features which reduce, or limit, the extent" of "expos[ure]"); col. 6, line 61 ("reduced, or limited, exposure cutter").

#### Violation: They set a boundary for patents to only one period of exclusivity, it’s not a reduction of \*protections\*.

#### Standards:

#### 1] Limits and ground – placing arbitrary boundaries gets rid of neg generics like boundary related CPs and the Price Control CP. Independently not requiring the aff to decrease something means we get \*no\* DAs since they no-link out of all of them by saying that companies still get one period of exclusivity.

#### 2] Extra T is a voter – means the res is no longer a stable basis and they can defend whatever they want. Also means you don’t have jurisdiction to vote for them cuz they haven’t affirmed the res.

#### Drop the debater:

#### 1] The abuse already occurred and shifted my time allocation

#### 2] It’s the same as DTA since we indict your whole aff

#### Use Competing Interps for T:

#### 1] There’s no way to be “reasonably” topical, it’s a yes/no binary

#### 2] Reasonability collapses since we use offense defense to determine what’s reasonable

#### No RVI’s:

#### 1] It’s your burden to be topical means it’s a prereq to engaging in substance

#### 2] Encourages people to bait theory then win the RVI

## 2

### 1NC – CP

#### Text – States ought to

#### individually domestically establish single-payer national health insurance.

#### Fund private public partnerships with pharmaceutical companies over developing solutions to Neglected tropical diseases and AMR super bugs

#### **Single payer solves evergreening and increasing innovation**

Narayanan 19 Srivats Narayanan 8-15-2019 "Medicare for All and Evergreening" <https://medium.com/@srivats.narayanan/medicare-for-all-and-evergreening-cb84c930e0ea> (UMKC School of Medicine)//Elmer // recut MNHS NL

Drug companies rake in massive profits. The pharmaceutical industry has some of the largest profit margins among American industries. Unfortunately, pharmaceutical giants don’t always have patients’ best interests in mind — they make a big portion of their money by exploiting the patent process instead of making breakthrough drugs that would meaningfully improve patients’ lives. Pharmaceutical corporations aren’t as innovative as one might expect. Although the Food and Drug Administration (FDA) has been consistently approving new (and expensive) drugs every year, most of these drugs aren’t impacting healthcare much. Many studies have revealed that a whopping 85–90% of new drugs since the mid-1990s “provide few or no clinical advantages.” This is because pharmaceutical firms are spending their time and money on a technique known as “evergreening.” Evergreening is when drug companies produce redundant drugs that are nothing but minor modifications of old drugs. By making slight alterations to their medicines, biotech companies continue to hold patents for drugs with minimal spending on research and development (R&D). Pharmaceutical companies then use those patents to prevent competitors from selling generic versions of their drugs. Without any competition, these corporations get away with ridiculously high drug pricing and can thus make big profits on their drugs. The companies simultaneously justify their absurd drug prices by pointing to the inflated R&D costs of producing new drugs. This excuse has been used time and again by the profit-hungry pharmaceutical industry, and it’s coming at the expense of patients who struggle to afford their medicines. A well-known example of evergreening pertains to the anticonvulsant medication gabapentin, which was first sold by Pfizer under the brand name Neurontin. When the drug became available as a generic medication over a decade ago, Pfizer created a very similar medicine, pregabalin (Lyrica), that didn’t have any significant benefits over the original drug. As a result, Pfizer has kept a control over the market for anticonvulsant drugs with negligible innovation. The drug industry’s reliance on evergreening is undoubtedly stifling innovation. This is where Medicare for All, which would impose the government as the only health insurer, would be useful. In our current system, there are many insurers and they each have little market power and consequently little negotiating power to reduce treatment prices. Since the government would have consolidated control over healthcare financing under Medicare for All, its stronger bargaining power would force drug companies to charge lower prices for their products. In addition, prescription drugs would be paid for by the government and not by patients under Medicare for All. Medicare for All would prevent evergreening. National healthcare financing would align how much the government pays a drug company with how much patients benefit from the company’s drugs. If a new drug had more clinical benefits than an older version, the government would pay more for it. If a new drug produced the same results as an older version, the government wouldn’t pay more for the new drug. So, Medicare for All would encourage pharmaceutical companies to pursue truly innovative drugs because such drugs would be more profitable. The policy would incentivize companies to invest in R&D for more useful drugs, instead of just producing redundant and expensive medications. A national healthcare plan would prioritize “patient and community needs” and match up pharmaceutical companies’ interests with actually improving public health. Evergreening has become the name of the game for the pharmaceutical industry. A major solution to the evergreening problem is Medicare for All. A single-payer system like Medicare for All would sharply curtail evergreening, since drug companies wouldn’t be able to profit from it. Medicare for All would usher in a new era of medical innovation.

## 3

### 1NC – DA

#### Climate Patents and Innovation high now and solving Warming but patent reductions and campaign against IP protections set a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

Brand 5-26, Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/. //sid//recut PW

The biotech industry is making remarkable advances towards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensation and no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass, reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietary know-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary international collaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to invest at the current and required levels.

#### Climate change is a threat multiplier that increases the risk of every other extinction scenarios – biggest impact in the round

Torres 16 [Phil Torres, conservationist, science advocate, and educator, with a BS in entomology from Cornell, working on a PhD at Rice University in tropical conservation biology, he is a biologist, science communicator, photographer, and television host based in New York City who works projects all over the globe, Institute for Ethics and Emerging Technologies Affiliate Scholar, 8-7-2016, IEET, "Climate Change Is the Most Urgent Existential Risk", <https://ieet.org/index.php/IEET2/more/Torres20160807>] someone//PW

Humanity faces a number of formidable challenges this century. Threats to our collective survival stem from asteroids and comets, supervolcanoes, global pandemics, climate change, biodiversity loss, nuclear weapons, biotechnology, synthetic biology, nanotechnology, and artificial superintelligence. With such threats in mind, an informal survey conducted by the Future of Humanity Institute placed the probability of human extinction this century at 19%. To put this in perspective, it means that the average American is more than a thousand times more likely to die in a human extinction event than a plane crash.\* So, given limited resources, which risks should we prioritize? Many intellectual leaders, including Elon Musk, Stephen Hawking, and Bill Gates, have suggested that artificial superintelligence constitutes one of the most significant risks to humanity. And this may be correct in the long-term. But I would argue that two other risks, namely **climate change** and biodiveristy loss, **should take priority** right now **over every other known threat**. Why? Because these **ongoing catastrophes** in slow-motion **will frame our existential predicament on Earth** not just for the rest of this century, but for literally thousands of years to come. As such, **they** have the capacity to **raise** or lower **the probability of other risks scenarios** unfolding. Multiplying Threats Ask yourself the following: are **wars more** or less **likely in a world marked by extreme weather events**, mega**droughts, food supply disruptions, and sea-level rise**? Are **terrorist attacks more** or less lik**ely in a world beset by the collapse of global ecosystems**, agricultural failures, **economic uncertainty, and political instability**? Both government officials and scientists agree that the answer is “more likely.” For example, the current Director of the CIA, John Brennan, recently identified “the impact of climate change” as one of the “deeper causes of this rising instability” in countries like Syria, Iraq, Yemen, Libya, and Ukraine. Similarly, the former Secretary of Defense, Chuck Hagel, has described climate change as **a “threat multiplier”** with “the potential to **exacerbate** many of the **challenges we are dealing with today** — from infectious disease to terrorism.” The Department of Defense has also affirmed a connection. In a 2015 report, it states, “Global climate change will aggravate problems such as poverty, social tensions, environmental degradation, ineffectual leadership and weak political institutions that threaten stability in a number of countries.” Scientific studies have further shown a connection between the environmental crisis and violent conflicts. For example, a 2015 paper in the Proceedings of the National Academy of Sciences argues that climate change was a causal factor behind the record-breaking 2007-2010 **drought** in Syria. This drought led to a mass migration of farmers into urban centers, which **fueled** the 2011 **Syrian civil war**. Some observers, including myself, have suggested that this struggle could be the beginning of World War III, given the complex tangle of international involvement and overlapping interests. The study’s conclusion is also significant because the Syrian civil war was the Petri dish in which the Islamic State consolidated its forces, later emerging as the largest and most powerful terrorist organization in human history. A Perfect Storm The point is that **climate change** and biodiversity loss could very easily **push societies to the brink of collapse**. This will exacerbate existing geopolitical tensions and introduce entirely new power struggles between state and nonstate actors. At the same time, advanced technologies will very likely become increasingly powerful and accessible. As I’ve written elsewhere, the malicious agents of the future will have bulldozers rather than shovels to dig mass graves for their enemies. The result is a perfect storm of more conflicts in the world along with unprecedentedly dangerous weapons. If the conversation were to end here, we’d have ample reason for placing climate change and biodiversity loss at the top of our priority lists. But there are other reasons they ought to be considered urgent threats. I would argue that they could make humanity more vulnerable to a catastrophe involving superintelligence and even asteroids. The basic reasoning is the same for both cases. Consider superintelligence first. Programming a superintelligence whose values align with ours is a formidable task even in stable circumstances. As Nick Bostrom argues in his 2014 book, we should recognize the “default outcome” of superintelligence to be “doom.” Now imagine trying to solve these problems amidst a rising tide of interstate wars, civil unrest, terrorist attacks, and other tragedies? The societal stress caused by climate change and biodiversity loss will almost certainly compromise important conditions for creating friendly AI, such as sufficient funding, academic programs to train new scientists, conferences on AI, peer-reviewed journal publications, and communication/collaboration between experts of different fields, such as computer science and ethics. It could even make an “AI arms race” more likely, thereby raising the probability of a malevolent superintelligence being created either on purpose or by mistake. Similarly, imagine that astronomers discover a behemoth asteroid barreling toward Earth. Will designing, building, and launching a spacecraft to divert the assassin past our planet be easier or more difficult in a world preoccupied with other survival issues? In a relatively peaceful world, one could imagine an asteroid actually bringing humanity together by directing our attention toward a common threat. But if the “conflict multipliers” of climate change and biodiversity loss have already catapulted civilization into chaos and turmoil, I strongly suspect that humanity will become more, rather than less, susceptible to dangers of this sort. Context Risks We can describe the dual threats of climate change and biodiversity loss as “context risks.” Neither is likely to directly cause the extinction of our species. But both will define the context in which civilization confronts all the other threats before us. In this way, they could indirectly **contribute to the overall** danger of **annihilation** — and this worrisome effect could be significant. For example, according to the Intergovernmental Panel on Climate Change, **the effects** of climate change **will be “severe,” “pervasive,” and “irreversible**.” Or, as a 2016 study published in Nature and authored by over twenty scientists puts it, the consequences of climate change “will extend longer than the entire history of human civilization thus far.” Furthermore, a recent article in Science Advances confirms that humanity has already escorted the biosphere into the sixth mass extinction event in life’s 3.8 billion year history on Earth. Yet another study suggests that we could be approaching a sudden, irreversible, catastrophic collapse of the global ecosystem. If this were to occur, it could result in “widespread social unrest, economic instability and loss of human life.” Given the potential for **environmental degradation** to **elevate the likelihood of nuclear wars, nuclear terrorism, engineered pandemics**, a superintelligence takeover, and perhaps even an impact winter, it ought to take precedence over all other risk concerns — at least in the near-term. Let’s make sure we get our priorities straight.

## 4

### 1NC – DA

#### Innovation high now, but continued investments are crucial to meet the demands

Furstenthal et al 20 [(Laura Furstenthal serves healthcare clients globally as well as not-for-profit organizations, governments, and Nobel laureates, guiding innovation in strategy, organization, research and development, commercialization, and operations), et al. “Healthcare Innovation: Building on Gains Made through the Crisis.” McKinsey & Company, McKinsey & Company, 12 Nov. 2020, www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/healthcare-innovation-building-on-gains-made-through-the-crisis. Accessed 6 Aug. 2021.] PW

Leaders should consider the lessons and achievements of the COVID-19 crisis in forging new innovation aspirations—and the mechanisms needed to execute them. Medicine is a living science that prides itself on continual discovery. In recent years, healthcare innovators have brought us artificial-intelligence algorithms that arguably read chest X-rays as well as or better than radiologists, inexpensive genomic sequencing that can guide personalized cancer treatments, and vast improvements in population health management through big data and analytics, to name just a few examples. While the COVID-19 pandemic has placed unparalleled demands on modern healthcare systems, the industry’s response has vividly demonstrated its resilience and ability to bring innovations to market quickly. But the crisis is likely far from over and the sector’s innovation capabilities must continue to rise to the challenges presented both by COVID-19 and the economic fallout from its spread. While many industries are facing unprecedented disruption, medicine and healthcare are uniquely affected given the nature of this crisis. For example, pharmaceutical companies racing to develop vaccines must also manage complex supply chains, new models for engagement with healthcare professionals, a largely remote workforce, and disruption to many clinical trials. Similarly, hospitals are caring for COVID-19 patients with evolving protocols while maintaining continuity of care for others, often against the backdrop of vulnerable staff, supply and equipment shortages, and, for some, accelerating financial headwinds. While the COVID-19 pandemic has placed unparalleled demands on modern healthcare systems, the industry’s response has vividly demonstrated its resilience and ability to bring innovations to market quickly. The effects of the pandemic on the industry continue to be profound. The shifts in consumer behavior, an [acceleration of established trends](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-great-acceleration), and the likely deep and lasting economic impact will potentially affect healthcare companies no less—and quite possibly more—than those in other sectors. Around the world, more than [90 percent of executives](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/innovation-in-a-crisis-why-it-is-more-critical-than-ever) we polled believe COVID-19 will fundamentally change their businesses, and 85 percent predict lasting changes in customers’ preferences. Among healthcare leaders, two-thirds expect this period to be the most challenging in their careers.1 To meet both the humanitarian challenge and the obligation to their stakeholders, leaders of healthcare organizations need to meet the innovation imperative. History tells us that organizations that invest in innovation during a crisis [outperform their peers in the recovery](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-great-acceleration) (exhibit). What’s more, a crisis can create an urgency that rallies collaborative effort, breaks through organizational silos, and overcomes institutional inertia. Exhibit During the course of this year, the healthcare industry has produced inspiring examples of innovation in products, services, processes, and business and delivery models, often in partnership with other sectors. For example, Sheba Medical Center in Israel is working with TytoCare to keep COVID-19 patients in their homes by supplying them with special stethoscopes that both listen to their hearts and transmit images of their lungs to a care team that can intervene as appropriate.2 In the United States, Zipline, which specializes in delivering medical supplies to remote areas, quickly formed a partnership with Novant Health in North Carolina to distribute supplies to hospitals via drones.3 The adoption of telehealth has exploded, from 11 percent of consumers using it in 2019 to [46 percent in April 2020](https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/telehealth-a-quarter-trillion-dollar-post-covid-19-reality), and well more than half of healthcare providers polled indicate higher comfort with this care-delivery method than before. Given the speed of recent changes, it is likely that parts of the healthcare ecosystem will operate in different ways in the coming years. To keep pace with the industry’s evolution, healthcare leaders should consider assessing their organizations’ readiness to innovate at scale and whether the needed capabilities are in place. Our past research shows that successful innovation in large organizations stems from a commitment to eight principles and practices: aspire, choose, discover, evolve, accelerate, scale, extend, and mobilize. These [eight essentials of innovation](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-eight-essentials-of-innovation), when applied as a group, enable businesses to innovate more successfully and [outperform their peers](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-innovation-commitment). Here is how healthcare players can consider applying them to their unique context at this extraordinary time.

#### Stopping secondary patents kills patent innovation

Christensen 20 [Connor Christensen, "The Evergreen Forests of Insulin Patents", Awakenwfu, The Creative Journal of Contemporary Bioethics, 9-14-2020, https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/, accessed: 9-7-2021.] //CHSTM and Lex VM

A potential solution to prevent patent evergreening would be to modify the “inventiveness” standard required to obtain a new patent on drugs.[[27]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn27) By modifying this standard, the goal would be to stop non-inventive and commonly practiced pharmaceutical techniques from receiving patent protection.[[28]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn28) Moreover, each incremental improvement must be worth the burden on the consumer, especially in a country where the price of insulin has reached unconscionable levels.[[29]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn29) Therefore, to be considered inventive, the newer formula or methodology should be demonstratively safer or clearly more efficacious.[[30]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn30) Increasing the scrutiny would help control drug companies receiving patents on non-inventive, incremental improvements on insulin while still rewarding them for making sizable leaps forward.[31] Further, increasing the “inventiveness” standard would also encourage generic drug companies to enter the market. Previously, generic companies were precluded from producing generic insulins because patents protected the original formulas for such long periods of time that they were obsolete when it became possible to make a generic version.[[32]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn32) These obsolete versions of insulin were not viewed as a worthwhile investment to generic drug companies, so the market has been mostly devoid of generic versions.[[33]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn33) However, generic drug companies have shown some interest in creating generic versions of the next-generation of insulin. Reducing evergreening by raising the inventiveness standard required for new insulin patents could be enough to make manufacturing generics a worthwhile investment.[[34]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn34) Affording greater scrutiny to the issue of whether an incremental improvement is truly “inventive” is just one piece of the solution to reducing the price of insulin to affordable levels. Evergreens are a symbol of vitality; the irony is tangible that something of the same name can be depriving people of life.

#### Cross apply their extinction impact