## 1

#### Interpetation: Precluding a future increase is not a reduction

Melinda **Harmon 12**, Judge, United States District Court for the Southern District of Texas, Houston Division, 3/6/12, Zieche v. Burlington Res., Inc., 2012 U.S. Dist. LEXIS 30134, p. lexis

Zieche contends that the Court erred when it concluded that "there was no reduction in Zieche's salary or bonus percentage" that would constitute "good reason" for his resignation. Doc. 70 at 8, 9. The Court relied on the fact that Zieche received "his full 2006 performance bonus" after he began working at ConocoPhillips and that the bonus percentage increased from 30% in 2005 to 40% in 2006 as proof that Zieche did not suffer a reduction in salary.

Zieche contends that an increase in his bonus is irrelevant to a determination of whether his salary was reduced because a "bonus is not part of the salary," but is instead [\*12] "something in addition to what is expected or strictly due." Doc. 72 at 4. Additionally, Zieche alleges that "the [C]ourt's analysis ignores the specific provisions of the retention agreement," which defines "good reason" to include "any reduction from your annual rate of base salary." Id.

Initially, although Zieche alleges that ConocoPhillips reduced his salary, he introduced no summary judgment **ev**idence to support this contention. In his Response to ConocoPhillip's Motion for Summary Judgment, Zeiche repeatedly asserts that, in his new position at ConocoPhillips, he would "**not be eligible for annual merit salary *increases***" as he had previously received at Burlington. Doc. 54 at 4 (emph. added). The summary judgment evidence before the Court included Zieche's deposition, in which he admitted that his salary "remained the same . . . up to the time [he] resigned from ConocoPhillips." Doc. 48-1 at 50 (emph. added). Nevertheless, Zieche argues that the Court unnaturally should read the word "reduce" in the retention agreement to mean "**not increase**," rather than interpreting the word according to its plain meaning. **The Court does not agree with this reasoning**, and Zieche has introduced [\*13] no evidence to convince the Court otherwise.

#### Violation: they preclude patent extensions

#### 1] Limits and ground—they allow the aff to monopolize prep by precluding a future increase anytime from now allowing affs to no link from uniqueness scenarios, delay CPs, etc which kills engageability—leads to unpredictable affs that skew the debate away from whether IP is good/bad to when a reduction should occur.

#### 2] TVA – defend the advantage to a whole rez timeframe. We don’t prevent new FWs, mechanisms, or advantages. PICs don’t solve – our model allows you to specify countries and medicines.

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate – all other rules can be debated over but rely on some conception of fairness to be justified.

#### 1NC theory is DTD – a) T indicts the whole aff so DTA is DTD b) abuse is supercharged with the 7-6 rebutal time skew c) deters future abuse

#### 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 don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices c] Forcing the 1NC to go all in on the shell kills substance education and neg strat which outweighs on urgency

## 2

#### Interpretation: The affirmative may not claim 1AR theory is legit, its DTD, CI, no RVIs, and the highest layer of the round

#### Violation: UV

#### Infinite Abuse - their norm justifies the affirmative auto winning every round since they can read 500 risk free 1AR shells with DTD and competing interps making it impossible for me to deflate or answer all of them. I can’t uplayer because it’s the highest layer of the round. Answering the argument doesn’t solve because you can read infinite of these paradigm issues in the 1ac making it impossible.

#### Norming o/w: A] It’s the constitutive purpose of theory debating B] it’s a pre-requisite to actualizing any other voter like fairness or education

## 3

#### CP text: The member nations of the world trade organization should add more stringent requirements for filing secondary patents by requiring secondary patent filers to demonstrate increased efficacy as compared to the original. Solves all your offense by reducing purely strategic patents while permitting R and D for genuine improvements.

Newsome 17, A [(JD candidate George Washington School of Law). (2017). Side effects of evergreening may include decreased competition & increased prices in the pharmaceutical industry. AIPLA Quarterly Journal, 45(4), 791-822] Justin

The current framework for evaluating a patent application, particularly the requirements of utility and nonobviousness, is insufficient for evaluating whether a secondary patent should be issued for a drug. Given that courts are tied to the low bar for utility and inconsistent with their application of nonobviousness,1 04 it is necessary to pass legislation creating a new utility requirement tailored to secondary pharmaceutical patents. This Note's Author proposes legislation language as follows: 35 U.S.C. § 106: Patentable Pharmaceutical Inventions

(a) Utility requirement for secondary patent: In the case of a pharmaceutical invention claiming an improvement on a patented invention, the applicant shall demonstrate through clear and convincing evidence in the written description that such invention has increased efficacy as compared to the original.

(b) Increased efficacy defined: As used in part (a), "increased efficacy" refers to a proven improvement in the mechanism of action, as disclosed in the patent claims. 0 5

(c) Mechanism of action defined: As used in part (b), "mechanism of action" refers to the process by which a drug functions to produce a therapeutic effect, as disclosed in the patent claims. 06

Under this legislation, the USPTO could grant a secondary patent only if the new formula's mechanism of action, or production of the intended pharmacological effect, in fact improves upon the patented drug's mechanism of action. For example, because VidaDrug is a chemotherapy drug, the new formula must include a change in the mechanism of action which causes an improvement in the efficacy of the drug's tumor-shrinking abilities to be eligible for a secondary patent. A formula tweak that reduces side effects is insufficient, because the underlying purpose of the drug - to treat cancer - remains unaffected.

Lowell provides some precedent for creating a higher utility standard. 07 This new standard would focus on a drug's overall improved efficacy, rather than a minor tweak in the formula that would mitigate or resolve a previously caused side effect. This standard would require holding the pharmaceutical industry to a higher standard than other industries, which could potentially conflict with the United States' TRIPS Agreement obligations with the WTO.

#### Solves best.

Newsome 17, A [(JD candidate George Washington School of Law). (2017). Side effects of evergreening may include decreased competition & increased prices in the pharmaceutical industry. AIPLA Quarterly Journal, 45(4), 791-822] Justin

Pharmaceutical patents are inherently different from software or manufacturing patents. 144 Pharmaceutical companies create life-saving drugs that carry a very serious benefit for a vulnerable group of consumers - patients. Because of this, the pharmaceutical industry should be held to a higher standard if its companies seek to prohibit affordable generic drugs from coming to the marketplace.

1. An Efficacy-Focused Standard Will Motivate Pharmaceutical Companies to Channel Resources to Creating Real Innovation Pharmaceutical companies argue that patent-life-cycle-management strategies (their preferred name for those tactics described herein as evergreening) are essential to ensuring they recoup R&D costs. 145 However, creation of a standard such as the one proposed here would ensure that pharmaceutical companies are properly incentivized to channel R&D resources to creating measurable change in the drugs, rather than creating minor changes that prolong the time they can profit off of monopolies at the expense of patients. For those industries in which R&D is more productive, like the pharmaceutical industry, "patent procedures should be refined to tighten the relationship between patents and the underlying inventions."14 6
2. A Higher Standard for Secondary Pharmaceutical Patents Will Increase Competition & Lead to Lower Prices The patent system enables pharmaceutical companies to retain market exclusivity for their drugs, allowing them to set high prices without an eye toward competition.1 47 The companies cite the need to recoup R&D costs as the driving factor for their pricing decisions,148 but critics say their main motivation is making a profit.'49 While the pharmaceutical companies' argument may hold weight, high prices for drugs have a negative impact on those patients who need those drugs, but cannot afford them.150 Tightening patent laws to prevent pharmaceutical companies from retaining patent protection for minor changes in their patented drugs will allow other companies to enter the marketplace sooner and drive prices down through competition. 5z

## 4

#### Infrastructure is passing now and is at the top of Bidens agenda---Biden has enough PC but continuation is critical.

Nomikos 9/1 [William; 9/1/21; Assistant professor of political science at Washington University in St. Louis and director of the Data-driven Analysis of Peace Project; "*Everyone has an opinion on Afghanistan — Do voters care?*" The Hill, <https://thehill.com/blogs/congress-blog/politics/570422-everyone-has-an-opinion-on-afghanistan-do-voters-care>] Justin

On Aug. 15, Taliban fighters rolled into Kabul, the capital of Afghanistan. They faced little resistance. Within hours, the Taliban had seized control of the city. The airport plunged into chaos as thousands of Afghans sought refuge among departing American personnel. In February 2020, the Trump administration signed a peace agreement calling for the withdraw of American troops, but it is President Biden who ultimately pushed ahead and ended what he called “America’s longest war.” Even now, with the Taliban in Kabul, Biden remains defiant and defends his decision. Democrats worry this will hurt Biden politically, and Republicans are doing their best to make sure it does. But existing research suggests otherwise. Americans don’t prioritize foreign policy when voting International relations scholars long have argued that voters punish presidents who back down from confrontations with foreign adversaries, because doing so could tarnish the U.S.’s reputation abroad. But the magnitude of the effect on presidential approval varies depending on whether Democrats or Republicans are in power, the composition of the president’s constituency, and the persuasiveness of the justification for backing down. Indeed, as my own research has shown, the actual behavior of the president in crises may not matter at all. Ultimately, voters care about whether a president makes the right policy decisions, not whether American forces remain deployed abroad to maintain their reputation. What’s more, Americans are far more likely care about domestic issues such as health care or the economy than foreign policy. For example, even as Barack Obama rode opposition to the war in Iraq to electoral victory in 2008, more than five times as many respondents to the American National Elections Survey (ANES) listed the economy as the most important problem facing the nation compared to the war. Military interventions are unpopular with voters We tend to associate wars with “rally-around-the-flag” effects, in which conflicts lead to popularity bumps for presidents and their parties. Such effects may have been true during WWII, but 21st century military interventions are long, drawn out affairs — and political losers. This is due to what I’ve identified in past research as the time inconsistency between costs and benefits of military interventions. While the costs of intervention accrue immediately, both in terms of actual money as well as human lives, the best-case scenario benefits of intervention take decades, sometimes generations to bear fruit. For politicians facing election campaigns, this means that there is just no incentive to pay the costs of war up front when you might never see the benefits. In research I conducted on troop contributions to the war in Afghanistan, I found that contributors to the war effort — including the United States — withdrew around 10 percent of their forces whenever they were up for reelection. The politics of U.S. casualties Voters do care deeply about the loss of American lives. While images from Kabul evoke memories of Saigon and withdrawal from Vietnam, the more apt comparisons are the capture and failed rescue of U.S. hostages in Teheran following the Iranian revolution in 1979 or the Benghazi embassy attacks in Libya in 2011. Both the Iran hostage crisis and Benghazi negatively affected perception of two presidential candidates, Jimmy Carter and Hillary Clinton, respectively. Biden’s ability to avoid the political fallout might hinge on whether all Americans are evacuated safely. Sadly, this political calculus suggests there may be little room for humanitarian evacuations and refugee resettlements. While Biden has pledged to bring any trapped Americans home, there simply may not be much political incentive to evacuate Afghan refugees – especially if doing so endangers American lives. Moreover, accepting refugees means finding areas in the U.S. willing to resettle them. Conservative media commentators have already seized upon this issue, with one prominent pundit warning his viewers that they will be “invaded” by Afghan refugees. Biden’s political calculation Voters are not closely engaged with current events, often seeking to avoid politics altogether. Humanitarian disasters quickly disappear from headlines. Consider that less than a week after the Taliban overtook Kabul, news from Afghanistan did not make the front page of newspapers is several major cities. On the flip said, the potential costs of staying in Afghanistan would be enormous. Currently, President Biden is focused on getting Congress to pass a $1 trillion infrastructure bill and a $3.5 trillion budget reconciliation bill that, together, would comprise much of his first term agenda. Given the importance of these domestic issues to voters relative to foreign policy, passing the bills through Congress will be the most important politically for Biden. According to estimates, the war in Afghanistan alone has already cost American taxpayers more than $2.2 trillion. Concerns about the combined price tag of Democrats’ legislative agenda have triggered concerns about federal spending and inflation. More spending on Afghanistan would make Biden and his fellow Democrats even more vulnerable to such attacks. The slim margins in Congress suggests that Biden must reserve his political capital to maintain the existing coalitions to pass these two bills, not a new war effort. Doing so would also offer the Democrats the best chance for retaining control of Congress in the 2022 midterm elections.

#### Aff doesn’t solve but requires negotiations that saps PC.

Pooley 21 [James; Former deputy director general of the United Nations’ World Intellectual Property Organization and a member of the Center for Intellectual Property Understanding; “Drawn-Out Negotiations Over Covid IP Will Blow Back on Biden,” Barron’s; 5/26/21; <https://www.barrons.com/articles/drawn-out-negotiations-over-covid-ip-will-blow-back-on-biden-51621973675>] Justin

The Biden administration recently announced its support for a proposal before the World Trade Organization that would suspend the intellectual property protections on Covid-19 vaccines as guaranteed by the landmark TRIPS Agreement, a global trade pact that took effect in 1995.

The decision has sparked furious debate, with supporters arguing that the decision will speed the vaccine rollout in developing countries. The reality, however, is that even if enacted, the IP waiver will have zero short-term impact—but could inflict serious, long-term harm on global economic growth. The myopic nature of the Biden administration’s announcement cannot be overstated.

Even if WTO officials decide to waive IP protections at their June meeting, it’ll simply kickstart months of legal negotiations over precisely which drug formulas and technical know-how are undeserving of IP protections. And it’s unthinkable that the Biden administration, or Congress for that matter, would actually force American companies to hand over their most cutting-edge—and closely guarded—secrets.

As a result, the inevitable foot-dragging will cause enormous resentment in developing countries. And that’s the real threat of the waiver—precisely because it won’t accomplish either of its short-term goals of improving vaccine access and facilitating tech transfers from rich countries to developing ones. It’ll strengthen calls for more extreme, anti-IP measures down the road.

Experts overwhelmingly agree that waiving IP protections alone won’t increase vaccine production. That’s because making a shot is far more complicated than just following a recipe, and two of the most effective vaccines are based on cutting-edge discoveries using messenger RNA.

As Moderna Chief Executive Stephane Bancel said on a recent earnings call, “This is a new technology. You cannot go hire people who know how to make the mRNA. Those people don’t exist. And then even if all those things were available, whoever wants to do mRNA vaccines will have to, you know, buy the machine, invent the manufacturing process, invent creation processes and ethical processes, and then they will have to go run a clinical trial, get the data, get the product approved and scale manufacturing. This doesn’t happen in six or 12 or 18 months.”

Anthony Fauci, the president’s chief medical adviser, has echoed that sentiment and emphasized the need for immediate solutions. “Going back and forth, consuming time and lawyers in a legal argument about waivers—that is not the endgame,” he said. “People are dying around the world and we have to get vaccines into their arms in the fastest and most efficient way possible.”

Those claiming the waiver poses an immediate, rather than long-term, threat to IP rights also misunderstand what the waiver will—and won’t—do.

The waiver petition itself is more akin to a statement of principle than an actual legal document. In fact, it’s only a few pages long.

As the Office of the United States Trade Representative has said, “Text-based negotiations at the WTO will take time given the consensus-based nature of the institution and the complexity of the issues involved.” The WTO director-general predicts negotiations will last until early December.

That’s a lot of wasted time and effort. The U.S. Trade Representative would be far better off spending the next six months breaking down real trade barriers and helping export our surplus vaccine doses and vaccine ingredients to countries in need.

#### That solves existential climate change.

Castillo 21 [Rhyma; 8/16/21; News and politics writer at Elite Daily, where she's passionate about advocating for underserved communities throughout the United States. She’s covered issues in politics, immigration, environmental racism, climate change, gun violence, and more. After graduating with an English degree from Texas A&M Unversity, Rhyma has worked as a technical writer and test author at Educational Testing Service (ETS), a copywriter for Mightier Content, and as a Creative Operations Specialist at GoDaddy. She also has bylines as a freelancer at the San Antonio Current, where her reporting on local news, politics, tech, and entertainment has been widely circulated; “*Experts Explain What You Can Do About Climate Change After That Scary IPCC Report*,” Elite Daily, <https://www.elitedaily.com/news/what-you-can-do-climate-change-after-ipcc-report>] Justin

I’ll be honest: climate change is something I have a daily existential crisis over — and with its effects quite literally showing up on people’s doorsteps in the form of floods, wildfires, record heatwaves, and more, I know I’m not alone. On Aug. 9, the Intergovernmental Panel on Climate Change (IPCC) released an alarming report that was characterized as a “code red for humanity,” which is terrifying, to say the least. But while it’s easy to surrender to fatalist feelings of doom and gloom, there’s still time to turn things around. So, according to experts, here’s what you can do about climate change after the IPCC report. While experts agree that reducing, reusing, and recycling on an individual level is important, they acknowledge it isn’t the main solution to climate change, which is a largely institutional problem. According to a 2017 report from the Carbon Disclosure Project (CDP), researchers found that just 100 companies were responsible for over 70% of greenhouse gas emissions since 1988, with the top 10 emitters being fossil-fuel based energy corporations. “I'm not suggesting that individual actions aren't good or important,” states Cara Horowitz, J.D., the co-executive director of the Emmett Institute on Climate Change and the Environment at UCLA School of Law. She adds that if you’re lucky enough to afford an electric vehicle, to select the green option on your energy bill, or to adopt an environmentally sustainable diet, you should absolutely do so. However, she notes that “[climate change] is not a problem that can be solved by individual lifestyle choices.” At least, not in place of widespread social, political, and institutional change. “There is an attempt, and in some ways it's often quite deliberate, to make individuals think it's their fault climate change is happening — if only they made different lifestyle choices, if only they recycled more or ate less meat, we [could] solve this problem,” Horowitz says. But one of the most effective ways to address the climate crisis head-on, she states, is to push for institutional change. Lesley Ott, Ph.D., meteorological researcher at NASA’s Global Modeling and Assimilation Office at Goddard Space Flight Center, agrees. “There’s a limit on how much good or bad any one person can do,” to combat climate change, she states. “This is a situation that’s come from billions of people over decades and decades,” she adds. While she notes that its still important to limit your energy consumption, she acknowledges that large corporations, such as those involved in natural gas, animal agriculture, and product manufacturing, can do a much better job of reducing their emissions. “As climate change is affecting more and more of our infrastructure,” she states, “there are opportunities some companies [could seize] to say ‘hey, you know, I can probably do the right thing for the planet.’” Trained HazMat workers clean up miles oil-drench sand after an off-shore oil spill occurred, Februa... Ott also explains how the climate crisis is both a very difficult and a very simple issue. “It’s simple in that we know what’s causing it,” she says. “We know this is because of greenhouse gases, and we know where the greenhouse gases come from. But it's tricky because those things [that cause greenhouse gases] are so fundamental to many aspects of our lives.” Across the United States and world, many people have no choice but to depend on large energy monopolies for light, gas, and heat. And many people simply cannot afford to purchase electric vehicles, adopt environmentally sustainable diets, or live in neighborhoods where green energy options are available. So, what’s the solution? According to Ott, the answer is clear: “We need to change the way we consume energy,” she states. “We know the path that we need to go down to combat climate change. And it's really up to our political leaders in our country and others to marshal the response, and really put the procedures in place to do just that, to reduce our emissions,” she adds. If it were up to Gavin Schmidt, Ph.D., director of GISS and Principal Investigator for the GISS ModelE Earth System Model at NASA, he’d combat the climate crisis using several strategies: shutting down coal power stations, phasing out natural gas, electrifying transportation systems, investing in infrastructure for more walk-able and bike-able cities, building a more unified power grid, and pushing for improved public transit. But while scientists have developed the technology and resources for these strategies, Schmidt notes many places — including the United States — simply haven’t invested in the infrastructure necessary to adopt these strategies. “The infrastructure is not all there,” he states. So while we certainly have the concepts and resources available, “we're still missing some practical application [for] those things,” he adds. “We have to make the investments, [and] those investments take a while to come to fruition.”