St. Mark’s TS Procedurals (Grapevine)

## Shameless Plug

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## T Substantial

**The aff isn’t topical – a substantial increase in space development and/or exploration requires 2.6 billion dollars**

**Alexander, 8** (Amir, writer for the Planetary Society, “President signs NASA Authorization Deal,” October 16, 2008 from <http://www.planetary.org/programs/projects/space_advocacy/20081016.html>)

On Wednesday, October 15, 2008, President Bush signed into law the NASA Authorization Bill passed by Congress last month. By authorizing NASA to spend $20.21 billion in fiscal year 2009, the bill represents a substantial increase of $2.6 billion over the administration's budget request for NASA earlier this year. $4.9 billion of the bill's total is directed towards science operations, and another $4.9 billion is authorized for exploration. An authorization bill, unlike an appropriations bill, does not actually fund programs, and the spending levels it cites are not binding on NASA. Nevertheless it does provide the agency with spending guidelines and indicates Congress's priorities.

**Holding the line on substantial is critical**

**Devinsky 2** (Paul, “Is Claim "Substantially" Definite? Ask Person of Skill in the Art”, IP Update, 5(11), November, <http://www.mwe.com/index.cfm/fuseaction/publications.nldetail/object_id/c2c73bdb-9b1a-42bf-a2b7-075812dc0e2d.cfm>)

In reversing a summary judgment of invalidity, the U.S. Court of Appeals for the Federal Circuit found that the district court, by failing to look beyond the intrinsic claim construction evidence to consider what a person of skill in the art would understand in a "technologic context," erroneously concluded the term "substantially" made a claim fatally indefinite. Verve, LLC v. Crane Cams, Inc., Case No. 01-1417 (Fed. Cir. November 14, 2002). The patent in suit related to an improved push rod for an internal combustion engine. The patent claims a hollow push rod whose overall diameter is larger at the middle than at the ends and has "substantially constant wall thickness" throughout the rod and rounded seats at the tips. The district court found that the expression "substantially constant wall thickness" was not supported in the specification and prosecution history by a sufficiently clear definition of "substantially" and was, therefore, indefinite. The district court recognized that the use of the term "substantially" may be definite in some cases but ruled that in this case it was indefinite because it was not further defined. The Federal Circuit reversed, concluding that the district court erred in requiring that the meaning of the term "substantially" in a particular "technologic context" be found solely in intrinsic evidence: "While reference to intrinsic evidence is primary in interpreting claims, the criterion is the meaning of words as they would be understood by persons in the field of the invention." Thus, the Federal Circuit instructed that "resolution of any ambiguity arising from the claims and specification may be aided by extrinsic evidence of usage and meaning of a term in the context of the invention." The Federal Circuit remanded the case to the district court with instruction that "[t]he question is not whether the word 'substantially' has a fixed meaning as applied to 'constant wall thickness,' but how the phrase would be understood by persons experienced in this field of mechanics, upon reading the patent documents."