

THOMSON REUTERS

WESTLAW™

CHECKING CITATIONS IN KEYCITE®

KeyCite® is the industry's most complete, accurate, and up-to-the-minute citation service. You can use it to instantly verify whether a case, statute, regulation, or administrative decision is still good law, and to find citing references to support your legal argument.

KeyCite provides more citing references for more types of documents than any other citation service. And, it's the only citator that clearly warns directly on the face of the document and on a result list that the case, statute, regulation, or administrative decision has negative treatment.

Accessing KeyCite

There are several ways to access KeyCite information:

- While viewing a document with a KeyCite flag, click the flag.
- While viewing any document, click one of the following tabs at the top of the page: **Negative Treatment, History, or Citing References.**
- Type *kc* or *keycite* followed by a citation, e.g., *kc 93 sct 1817* or *keycite 93 sct 1817*, in the text box at the top of the page and click **Search.**

Checking Cases and Administrative Decisions in KeyCite

If a case or administrative decision has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document. Most negative treatment consists of phrases such as *Overruled by, Abrogated by, or Distinguished by* and includes a link to the underlying document, if available.

If a case has a blue-striped flag, it warns that the case has been appealed to the U.S. Court of Appeals or the U.S. Supreme Court. A blue-striped flag is considered neutral and language such as *Petition for Certiorari Docketed by* or *Appeal Filed by* is displayed next to the flag at the top of the document.

KEYCITE STATUS FLAGS FOR CASES



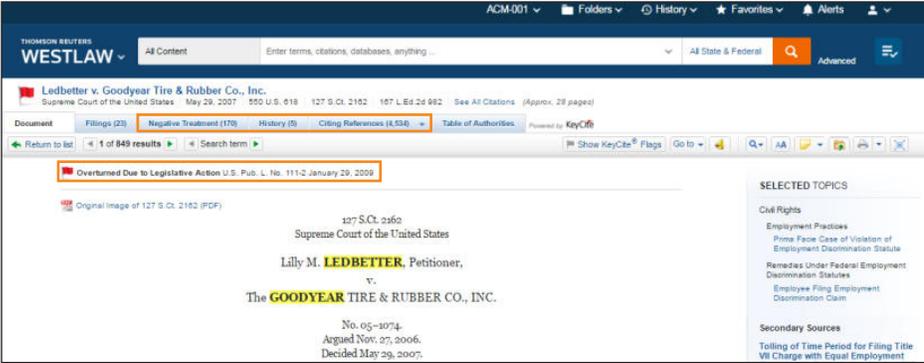
A red flag warns that the case or administrative decision is no longer good law for at least one of the points it contains.



A yellow flag warns that the case or administrative decision has some negative history, but has not been reversed or overruled.

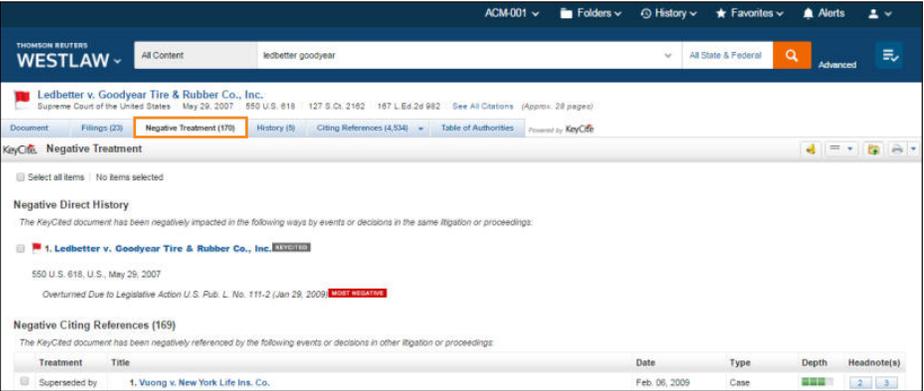


A blue-striped flag warns that the case has been appealed to the U.S. Court of Appeals or the U.S. Supreme Court (excluding appeals originating from agencies).



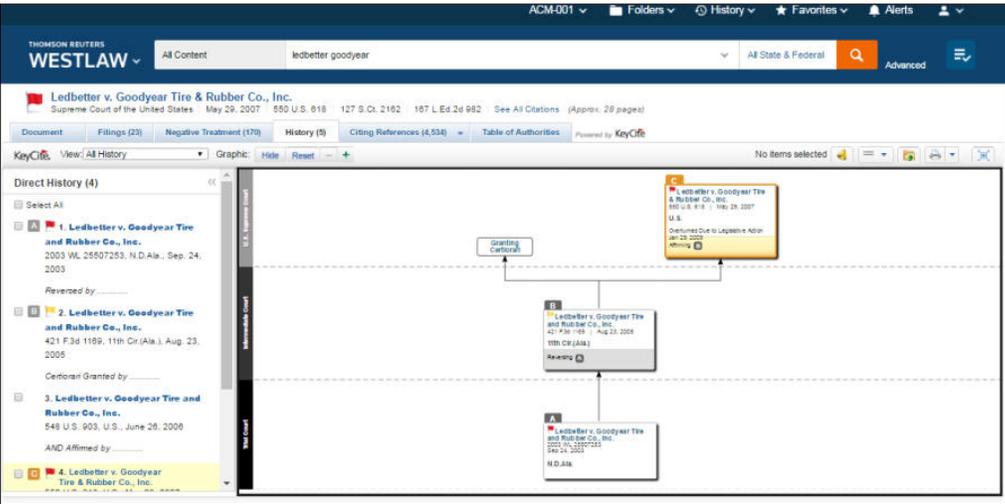
VIEWING NEGATIVE DIRECT HISTORY AND NEGATIVE CITING REFERENCES FOR A CASE OR ADMINISTRATIVE DECISION

Negative red and yellow flags will appear in the Negative Treatment tab. Click the **Negative Treatment** tab to view negative direct history and negative citing references for a case. Negative citing references are listed in a table format. The depth of treatment bars in the *Depth* column indicate the extent to which the citing case discusses the cited case, and the headnote numbers in the *Headnote(s)* column indicate which headnotes in the cited case contain the points of law discussed by the citing cases.



VIEWING HISTORY FOR A CASE OR ADMINISTRATIVE DECISION

Click the **History** tab to view the direct history of a case and related references. The cases included in the direct history and related references are listed in the left column. Direct history is also displayed in graphical view in the right column. You can restrict direct history by choosing an option from the *View* drop-down list.

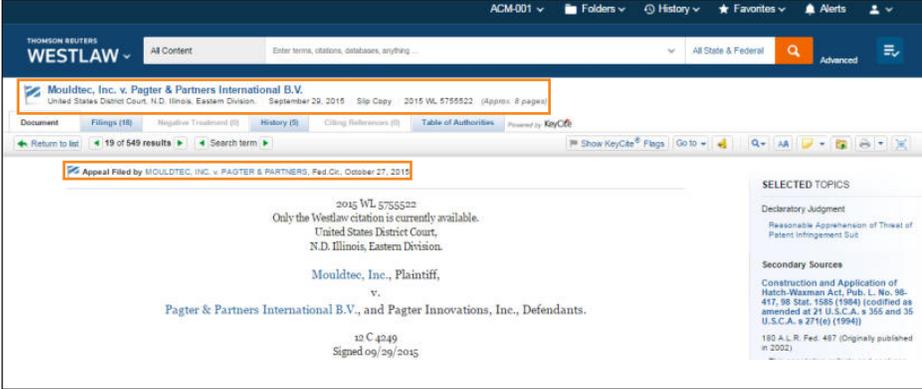


VIEWING THE FEDERAL NOTICE OF APPEAL KEYCITE FLAG



A blue-striped flag warns that the case has been appealed to one of the U.S. Courts of Appeals or the U.S. Supreme Court.

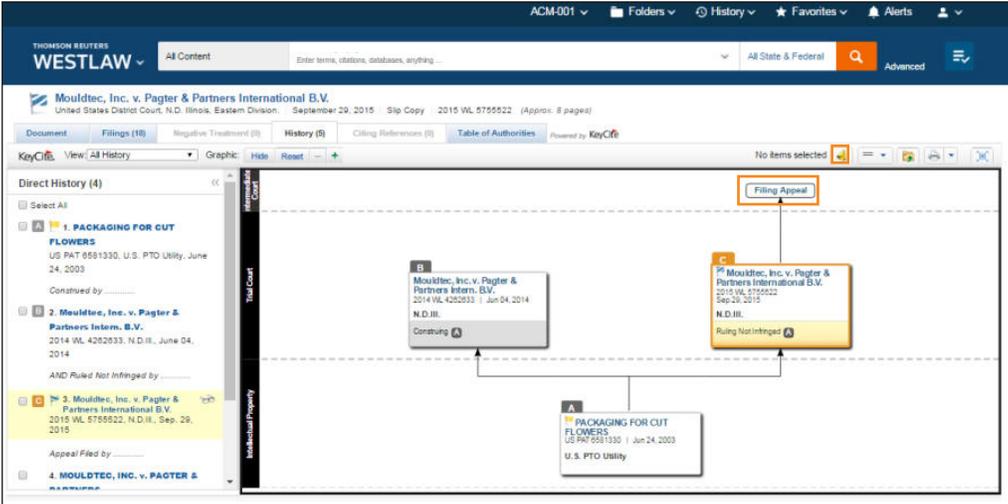
Westlaw is the only online legal research system that alerts you when a case is on appeal in federal court, giving you the most information about a case before you cite it in a brief or before a judge.



The Federal Notice of Appeal KeyCite flag is considered neutral and the flag will not appear in the negative treatment tab. It is not considered negative since the higher court has not yet made a decision in the case.

An indication that the case is on appeal in the federal courts will appear in the History tab under both the Direct History and Graphical KeyCite displays. The flag will be added to cases appealed to the U.S. Court of Appeals or the U.S. Supreme Court. Appeals from agencies like U.S. Military Boards, U.S. Patent and Trademark Offices, Veterans Claims, etc., will not receive the flag on the lower court opinion.

After a decision has been made, the blue-striped flag will be removed. Click the bell icon to create a KeyCite alert to be notified when a decision is made in the case.



You can learn more about the appeal by clicking the docket linked at the top of the case or in the History tab. Once you have clicked into a docket, click the bell icon to set up a docket track alert to be notified when the docket is updated.

VIEWING CITING REFERENCES FOR A CASE

Click the **Citing References** tab to view a list of cases, administrative materials, secondary sources, briefs, and other court documents that cite your case. To change the order in which the citing references are displayed, choose an option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can

- type the terms in the *Search within results* field in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under **NARROW** in the left column, e.g., **Jurisdiction**.

The screenshot shows the Westlaw interface for the case **Ledbetter v. Goodyear Tire & Rubber Co., Inc.** The **Citing References** tab is active, displaying 845 results. The results are sorted by **Depth: Highest First**. The interface includes a left-hand navigation pane with sections for **VIEW:** (Cases: 845, Trial Court Orders: 7, Administrative Decisions & Guidance: 43, Administrative Filings: 4, Secondary Sources: 1,448, Practical Law: 2, Appellate Court Documents: 674, Trial Court Documents: 1,510, Arbitration Awards: 1, All Results: 4,534) and **NARROW:** (Select Multiple Filters, Search within results, Jurisdiction: Federal 811, State 34).

Treatment	Title	Date	Type	Depth	Headnote(s)
Superseded by Statute as Stated in	1. Holt v. Deer-Mt. Judea School District 135 F.Supp.3d 898, 902+, W.D. Ark. NEGATIVE EDUCATION - Labor and Employment. Lilly Ledbetter Fair Pay Act, which reestablished paycheck rule, applied to Title VII claims brought by female elementary school principal.	Sep. 23, 2015	Case	2	S.Ct.
Superseded by Statute as Stated in	2. Davis v. Bombardier Transp. Holdings (USA) Inc. 794 F.3d 266, 269+, 2nd Cir.(N.Y.) NEGATIVE LABOR AND EMPLOYMENT - Discrimination. Diabetic employee's claim against employer for disability discrimination fell outside scope of Lilly Ledbetter Fair Pay Act.	July 22, 2015	Case	2, 3, 4	S.Ct.
Superseded by Statute as Stated in	3. Dindinger v. Allstate, Inc. 860 N.W.2d 557, 568+, Iowa NEGATIVE LABOR AND EMPLOYMENT - Hours and Wages. Wage discrimination provision of Iowa Civil Right Act was substantive, such that it applied only prospectively.	Mar. 06, 2015	Case	2	S.Ct.
Superseded by Statute as Stated in	4. Johnson v. Federal Exp. Corp. 996 F.Supp.2d 302, 325+, M.D. Pa. NEGATIVE LABOR AND EMPLOYMENT - Discrimination. Employer was not entitled to summary judgment on African-American employee's claims of racially disparate compensation.	Feb. 10, 2014	Case	2, 4	S.Ct.
Superseded by Statute as	5. Shea v. Clinton 288 F.R.D. 1, 3+, D.D.C.	Dec. 07, 2012	Case	—	—

Checking Statutes and Court Rules in KeyCite

If a statute or court rule has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document. Most negative treatment consists of phrases such as *Unconstitutional* or *Preempted* or *Proposed Legislation* and includes a link to the underlying document, if available.

KEYCITE STATUS FLAGS



A red flag indicates that the statute or court rule has been amended, repealed, superseded, or held unconstitutional or preempted in whole or in part.



A yellow flag indicates that the statute or court rule has been renumbered or transferred, that an uncodified session law or proposed legislation affecting the statute or court rule is available, that the statute or court rule was limited on constitutional or preemption grounds or its validity was otherwise called into doubt, or that a prior version of the statute or court rule received negative treatment from a court.

The screenshot shows the Westlaw KeyCite interface for § 2617, Enforcement. A red flag is visible next to the text "Unconstitutional or Preempted". The interface includes a search bar, navigation tabs (Document, Notes of Decisions, History, Citing References, Context & Analysis), and a sidebar with "NOTES OF DECISIONS (466)". The main content area displays the statute text and its effective date.

VIEWING HISTORY FOR A STATUTE OR COURT RULE

Click the **History** tab to view history for a statute or court rule, which includes the following categories:

- **Graphical Statute**, which helps you track changes to a statute or court rule
- **Validity**, which includes cases affecting the validity of the statute or court rule, recent session laws that have amended or repealed the statute, and proposed amendments
- **Versions**, which includes prior versions of the statute or court rule, when available
- **Editor's and Revisor's Notes**, which show legislative changes affecting a statute section or court rule as detailed by West attorney-editors or state revisors' offices
- **Bill Drafts**, which includes drafts of bills introduced before a section was enacted into law
- **Legislative History Materials**, which includes committee reports, floor testimony, and executive messages

The screenshot shows the Westlaw KeyCite interface for § 2617, Enforcement. The "History" tab is selected, and a dropdown menu is open, showing options: History Overview, Graphical Statute, Validity (3), Versions (3), Editor's and Revisor's Notes (8), and Legislative History Materials (326). The interface also shows the "NOTES OF DECISIONS (466)" sidebar and the main content area.

VIEWING CITING REFERENCES FOR A STATUTE OR COURT RULE

Click the **Citing References** tab to view a list of cases from *United States Code Annotated*® and state statute notes of decisions, cases on Westlaw that are not included in notes of decisions, administrative decisions, *Federal Register* documents, secondary sources, briefs and other court documents, statutes, and administrative codes. To change the order in which the citing references are displayed, choose a date option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can

- type terms in the *Search within results* field in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under **NARROW** in the left column, e.g., **Jurisdiction**.

The screenshot shows the Westlaw interface for § 2617. Enforcement. The 'Citing References' tab is active, displaying 14,034 results. The 'Sort By' dropdown is set to 'Date: Newest First'. The results table is as follows:

Title	Date	NOD Topics	Type
1. Hernandez v. Kustom Seating Unlimited, Inc. 2016 WL 2866129, *1, N.D. Ill. The plaintiff, Michelle Hernandez, brings suit against her former employer Kustom Seating Unlimited, Inc. ("Kustom") alleging violations of the Family Medical Leave Act ("FMLA"),...	May 17, 2016	—	Case
2. Romano v. Board of Education for Bloom Township High School District #206, 2016 WL 2344581, *3, N.D. Ill. On February 23, 2015, Plaintiff filed a First Amended Complaint ("FAC") against Board of Education for Bloom Township High School District #206 ("Board"), Donald Aprati, Henry...	May 04, 2016	—	Case
3. Thomas v. Lighthouse of Oakland 2016 WL 2344350, *10+, E.D. Mich. Randall Thomas sues Lighthouse of Oakland ("LOO") and Lighthouse Community Development ("LCD") for alleged violations of Title VII of the Civil Rights Act of 1964, Michigan's...	May 04, 2016	—	Case
4. Hines v. DeWitt 2016 WL 2342014, *10, S.D. Ohio This matter is before the Court on Plaintiff Joseph Hines's petitions for attorneys' fees and costs. (Fee Petition of Goldstein Firm, Doc. 106; Fee Petition of Fieger Firm, Doc....	May 04, 2016	—	Case
5. Burre v. Boeing Company 2016 WL 1615433, *4, W.D. Wash.	Apr. 22, 2016	—	Case

Checking Regulations in KeyCite

If a regulation has a red or yellow flag, the most negative treatment is displayed next to the flag near the top of the document. Most negative treatment consists of phrases such as *Adopted Regulation* or *Proposed Regulations* and includes a link to the underlying document, if available.

KEYCITE STATUS FLAGS FOR REGULATIONS



A red flag indicates that the regulation has been amended by a recent rule, repealed, superseded, or held unconstitutional or preempted in whole or in part.



A yellow flag indicates that a notice or proposed rule affecting the regulation is available, that the regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt, or that a prior version of the regulation received negative treatment from a court.

The screenshot shows the Westlaw KeyCite interface for regulation § 17.11 Endangered and threatened wildlife. The document title is "Code of Federal Regulations Title 50, Wildlife and Fisheries Effective: May 17, 2016 (Approx. 284 pages)". The navigation tabs include "Document", "Notes of Decisions (259)", "History (412)", "Citing References (3,959)", and "Context & Analysis (17)". The "History" tab is selected. The main content area shows the regulation's hierarchy: Code of Federal Regulations, Title 50, Wildlife and Fisheries, Chapter I, United States Fish and Wildlife Service, Department of the Interior, Subchapter B, Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants, Part 17, Endangered and Threatened Wildlife and Plants (Refs & Annos), Subpart B, Lists (Refs & Annos). A yellow flag labeled "Proposed Regulation" is positioned above the regulation text. The effective date is "Effective: May 17, 2016" and the citation is "50 C.F.R. § 17.11".

VIEWING HISTORY FOR A REGULATION

Click the **History** tab to view history for a regulation, which may include the following categories:

- **Validity**, which includes cases and adopted and proposed regulations that may negatively impact the regulation
- **Regulatory History**, which includes former proposed regulations
- **Versions**, which allows you to read the text of a regulation as it appeared on a particular effective date

The screenshot shows the Westlaw KeyCite interface for regulation § 17.11 Endangered and threatened wildlife, with the "History" tab selected. The navigation tabs include "Document", "Notes of Decisions (259)", "History (412)", "Citing References (3,959)", and "Context & Analysis (17)". The "History" tab is selected, and a dropdown menu is open showing "History Overview", "Validity (214)", and "Versions (195)". The main content area shows the regulation's hierarchy: Code of Federal Regulations, Title 50, Wildlife and Fisheries, Chapter I, United States Fish and Wildlife Service, Department of the Interior, Subchapter B, Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants, Part 17, Endangered and Threatened Wildlife and Plants (Refs & Annos), Subpart B, Lists (Refs & Annos). A yellow flag labeled "Proposed Regulation" is positioned above the regulation text. The effective date is "Effective: May 17, 2016" and the citation is "50 C.F.R. § 17.11".

VIEWING CITING REFERENCES FOR A REGULATION

Click the **Citing References** tab to view a list of cases from notes of decisions, cases on Westlaw that are not included in notes of decisions, administrative decisions, secondary sources, briefs and other court documents, statutes, and regulations. To change the order in which the citing references are displayed, choose a date option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can

- type terms in the *Search within results* field in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under **NARROW** in the left column, e.g., **Jurisdiction**.

The screenshot shows the Westlaw interface for § 17.11 Endangered and threatened wildlife. The 'Citing References' tab is active, displaying a list of 5 cases. The sidebar on the left shows the 'VIEW' section with 'Cases' selected (317 items) and the 'NARROW' section with 'Jurisdiction' filters for Federal (290) and State (27).

Title	Date	NOD Topics	Type	Depth
1. Florida Panthers v. Collier County, Florida 2016 WL 1394328, *2+, M.D.Fla. This matter is before the Court on the Third Amended Complaint (Doc. #81) filed by the Florida panthers, the red-cockaded woodpeckers (RCWs), the Florida Wildlife Federation (FWF),...	Apr. 08, 2016	---	Case	---
2. Hill v. Coggins 2016 WL 1251190, *11, W.D.N.C. THIS MATTER is before the Court following a bench trial on September 17 and 18, 2015. Upon consideration of the testimony and evidence presented by the parties, the Court hereby...	Mar. 30, 2016	---	Case	---
3. Kuehl v. Sellner 2016 WL 590468, *1+, N.D.Iowa ENVIRONMENTAL LAW - Endangered Species. Zoo owners' care of endangered tigers constituted harassment of them under the ESA, resulting in unlawful taking of protected species.	Feb. 11, 2016	34.5. Offspring of protected species	Case	---
4. Center for Biological Diversity v. C.L. 2016 WL 233190, *1, D.Idaho The Court has before it cross-motions for summary judgment. The Court heard oral argument on the motions, and took them under advisement. For the reasons expressed below, the...	Jan. 08, 2016	---	Case	---
5. Center for Biological Diversity v. U.S. Department of Interior 2015 WL 5012889, *1, N.D.Cal.	Aug. 24, 2015	---	Case	---

Checking Patents in KeyCite

If a patent has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document. Most negative treatment consists of phrases such as *Invalid* or *Not Infringed* and includes a link to the underlying document, if available.

KEYCITE STATUS FLAGS FOR PATENTS



A red flag indicates that a court has held all or part of the patent invalid or invalid and not infringed, all or part of the patent is unenforceable due to the patentee’s inequitable conduct, or has recognized the patent was held invalid or both invalid and not infringed in another case.



A yellow flag indicates that a court has held the patent was not infringed but did not rule on its validity, held all or part of the patent valid and not infringed, or recognized the patent was held not infringed in another case.

The screenshot shows the Westlaw KeyCite interface for patent US PAT D618677. At the top, there is a search bar and navigation tabs: Document, Filings (902), Negative Treatment (2), History (642), IP Tools, and Citing References (114). A yellow flag is visible next to the text "Ruled Not Infringed by Apple, Inc. v Samsung Electronics Co., Ltd. N.D.Cal. January 29, 2013". Below this, the patent details are listed:

- ELECTRONIC DEVICE**
US PAT D618677
- Patent**
- Title:** ELECTRONIC DEVICE
- Document Type:** Design Patent
- Granted Patent Number:** US D618677 S
- Granted Date:** 2010-06-29**
- *Notice:** This patent is subject to a terminal disclaimer.
- **Term:** 14 Years
- Estimated Expiration Date:** 2024-06-29

VIEWING NEGATIVE DIRECT HISTORY AND NEGATIVE CITING REFERENCES FOR A PATENT

Negative red and yellow flags will appear in the Negative Treatment tab. Click the **Negative Treatment** tab to view negative direct history and negative citing references for a patent. Negative citing references are listed in table format.

The screenshot shows the Westlaw KeyCite interface with the "Negative Treatment" tab selected. It displays two sections:

- Negative Direct History**
The KeyCited document has been negatively impacted in the following ways by events or decisions in the same litigation or proceedings:
 - 1. ELECTRONIC DEVICE** KEYCITED
US PAT D618677, U.S. PTO Design, June 29, 2010
Ruled Not Infringed by
 - 2. Apple, Inc. v. Samsung Electronics Co., Ltd.** MOST NEGATIVE
920 F.Supp.2d 1116, N.D.Cal., Jan. 29, 2013
- Negative Citing References (0)**
The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:
There are no negative citing references.

VIEWING HISTORY FOR A PATENT

Click the **History** tab to view the direct history of a patent and related references. The cases included in the direct history and related references are listed in the left column. Direct history is also displayed in graphical view in the right column. You can restrict direct history by choosing an option from the **View** drop-down list.

VIEWING CITING REFERENCES FOR A PATENT

Click the **Citing References** tab to view a list of cases, administrative materials, secondary sources, intellectual property, briefs, and other court documents that cite your patent. To change the order in which the citing references are displayed, choose an option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can

- type terms in the **Search within results** field in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under **NARROW** in the left column, e.g., **Jurisdiction**.

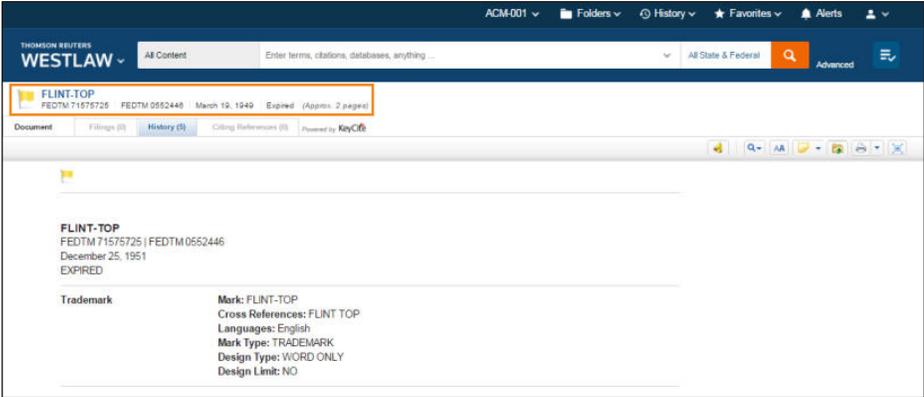
Treatment	Title	Date	Type	Depth
Examined by	1. Apple, Inc. v. Samsung Electronics Co., Ltd. 2011 WL 7036077, *1+ (N.D. Cal.)	Dec. 02, 2011	Case	3
Cited by	2. Apple Inc. v. Samsung Electronics Co., Ltd. 786 F.3d 983, 989 (Fed. Cir.(Cal.))	May 18, 2015	Case	2
Cited by	3. Apple Inc. v. Samsung Electronics Co., Ltd. 735 F.3d 1352, 1356+ (Fed. Cir.(Cal.))	Nov 18, 2013	Case	2
Cited by	4. Apple, Inc. v. Samsung Electronics Co., Ltd. 678 F.3d 1314, 1317+ (Fed. Cir.(Cal.))	May 14, 2012	Case	2
Cited by	5. Apple, Inc. v. Samsung Electronics Co., Ltd. 2014 WL 978898, *3 (N.D. Cal.)	Mar. 06, 2014	Case	2
Cited by	6. Apple, Inc. v. Samsung Electronics Co., Ltd. 2014 WL 549324, *2+ (N.D. Cal.)	Feb. 07, 2014	Case	2
Cited by	7. Apple, Inc. v. Samsung Electronics Co., Ltd. 909 F.Supp.2d 1147, 1149+ (N.D. Cal.)	Dec. 17, 2012	Case	2
Mentioned by	8. Apple, Inc. v. Samsung Electronics Co., Ltd. 2013 WL 5958176, *1 (N.D. Cal.)	Nov 07, 2013	Case	2

Checking Trademarks in KeyCite

If a trademark has a red or yellow flag, it is displayed next to the citation at the top of the document.

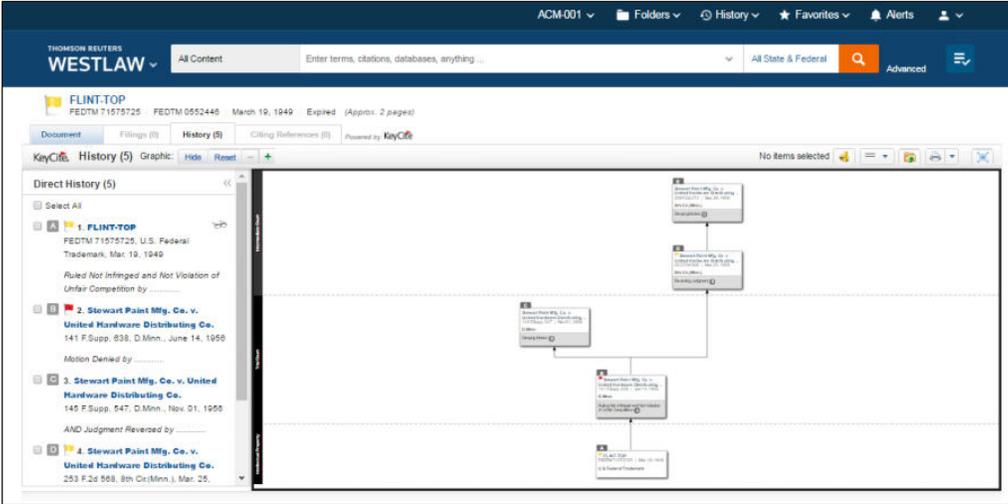
KEYCITE STATUS FLAGS FOR TRADEMARKS

-  A red flag indicates that a court has held the trademark invalid or invalid and not infringed, or has cancelled the trademark.
-  A yellow flag indicates that a court has held the trademark was not infringed but did not rule on its validity, held the trademark valid and not infringed, held the trademark was not diluted, or held the trademark was not violated by unfair competition.



VIEWING HISTORY FOR A TRADEMARK

Click the **History** tab to view the direct history of a trademark and related references. The cases included in the direct history and related references are listed in the left column. Direct history is also displayed in graphical view in the right column.



VIEWING CITING REFERENCES FOR A TRADEMARK

Click the **Citing References** tab to view a list of cases, administrative materials, secondary sources, intellectual property, briefs, and other court documents that cite your trademark. To change the order in which the citing references are displayed, choose an option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can

- type terms in the **Search within results** field in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under **NARROW** in the left column, e.g., **Jurisdiction**.

The screenshot shows the Westlaw interface for a trademark search. The top navigation bar includes 'ACM-001', 'Folders', 'History', 'Favorites', 'Alerts', and a user profile. The main header displays 'THOMSON REUTERS WESTLAW' and a search bar with 'All Content' and 'Enter terms, citations, databases, anything...'. The search results are for 'NIKE' (FEDTM 73361064) with a date of 'April 22, 1982' and a note 'Renewed (Approx. 7 pages)'. The 'Citing References' tab is active, showing 58 results. A 'Sort By' dropdown is set to 'Depth: Highest First'. The left sidebar has a 'VIEW:' section with 'Intellectual Property' (58), 'Docket Summaries' (43), and 'Trademarks' (15). Below it is a 'NARROW:' section with a 'Search within results' field and a 'Date' dropdown set to 'All'. The main table lists citing references with columns for 'Treatment', 'Title', 'Date', 'Type', and 'Depth'. The first seven entries are for 'NIKE' trademarks with various dates and depths.

Inline KeyCite

Available for cases and briefs, click **Show KeyCite Flags** to populate a document with inline KeyCite flags in one click. This lets you quickly determine whether the underlying authority cited by the court or counsel is still good law.

Hover over an inline KeyCite flag to display the most negative treatment. Click the flag to view the entire negative history.

Inline KeyCite flags can also be included when you email, print, or download the case or brief.

The screenshot shows a document page from Westlaw. The top navigation bar includes 'ACM-001', 'Folders', 'History', 'Favorites', 'Alerts', and a user profile. The main header displays 'THOMSON REUTERS WESTLAW' and a search bar with 'All Content' and 'Enter terms, citations, databases, anything...'. The search results are for 'Moss v. U.S. Secret Service' (United States Court of Appeals, Ninth Circuit, April 9, 2012). The document text is visible, and an inline KeyCite flag is present. The flag is a small icon with a red 'X' and a yellow background, and it is linked to a citation: 'Abrogation Recognized by Dabney v. Sawyer, ND.NY, March 25, 2015'. The document text includes a section titled 'II. Discussion' and a subsection 'A. Qualified Immunity Framework'.

LOOKING FOR MORE INFORMATION?

Westlaw is available on the Web at westlaw.com.

For assistance using Westlaw, call 1-800-WESTLAW (1-800-937-8529).

For free reference materials, visit legalsolutions.com/westlaw-support.