

# WESTLAW EDGE

## How to check your citations using KeyCite

Use KeyCite® on Thomson Reuters Westlaw Edge™ to instantly verify whether a case, statute, regulation, or administrative decision is still good law, or whether a patent or trademark is still valid. KeyCite can also be leveraged to find citing references to support your legal argument.

### JUMP TO:

- Checking Cases and Administrative Decisions ..... 1
- Checking Statutes and Court Rules ..... 4
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### Accessing KeyCite

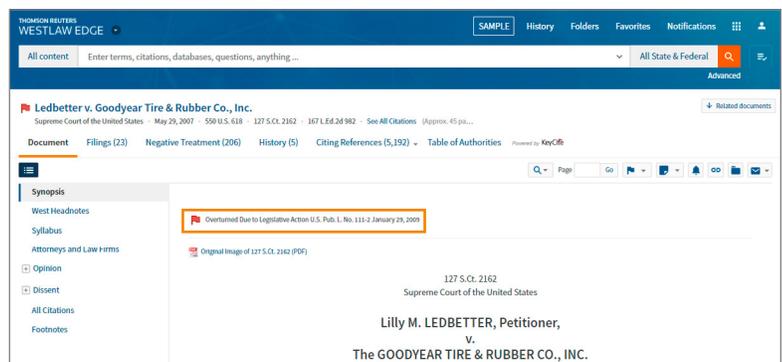
There are several ways to access KeyCite information:

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

### Checking Cases and Administrative Decisions

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 US Court of Appeals or the US Supreme Court. A blue-striped flag is considered neutral and language such as *Appeal Filed by* is displayed next to the flag at the top of the document.



### KEYCITE STATUS FLAGS

-  A red flag warns the case or administrative decision is no longer good law for at least one of the points it contains.
-  A yellow flag warns the case or administrative decision has some negative history, but has not been reversed or overruled.
-  A blue-striped flag warns the case has been appealed to the US Court of Appeals or the US Supreme Court (excluding appeals originating from agencies).
-  An Overruling Risk warning indicates a case or administrative decision may no longer be good for at least one point of law based on its reliance on an overruled or otherwise invalid prior decision.

**VIEWING NEGATIVE DIRECT HISTORY, NEGATIVE CITING REFERENCES, AND OVERRULING RISKS**

Negative red and yellow flags will appear in the Negative Treatment tab. Click the **Negative Treatment** tab to view negative direct history, negative citing references, and overruling risks 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.

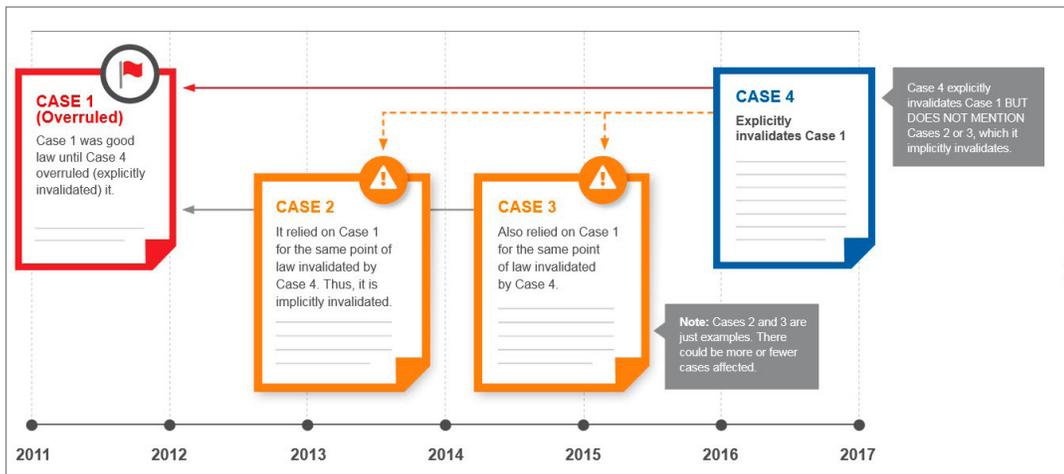
**Negative Direct History**  
The KeyCited document has been negatively impacted in the following ways by events or decisions in the same litigation or proceedings:

- 1. **Ledbetter v. Goodyear Tire & Rubber Co., Inc.** **REVERSED**  
550 U.S. 618, U.S., May 29, 2007  
*Overturned Due to Legislative Action U.S. Pub. L. No. 111-2 (Jan 29, 2009)* **RECENT REVERSAL**

**Negative Citing References (205)**  
The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Superseded by Statute as Stated in	1. <b>Bush v. Orange County Corrections Dept.</b> 597 F.Supp.2d 1293, M.D.Fla. LABOR AND EMPLOYMENT - Discrimination. County corrections department articulated legitimate non-discriminatory reasons for differing pay levels and pay structures.	Feb. 02, 2009	Case	■■■■	1, 2, 4, 5, Ct.

Any overruling risks will appear in the Negative Treatment tab. Overruling Risk helps you identify cases that may have been implicitly overruled or abrogated.



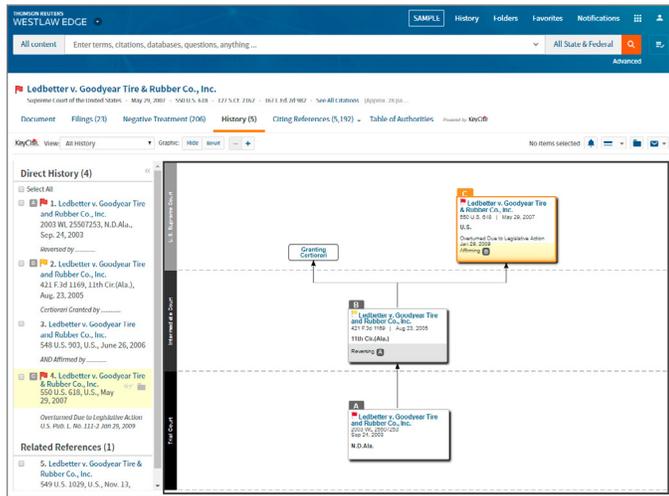
Overruling Risks are outlined in a table near the bottom of the Negative Treatment tab. Click a **case name** link to view the overruled or abrogated case as well as the overruling or abrogating case.

**Overruling Risk (1)**  
The KeyCited document has potentially been negatively impacted by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Risk	1. <b>Cadkin v. Loose</b> 569 F.3d 1142 COPYRIGHTS - Attorney Fees. Defendants were not entitled to attorney's fees as prevailing parties. <i>Overruling Corcoran v. Columbia Broadcasting System</i>	June 26, 2009	Case	—	—

**VIEWING HISTORY**

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 selecting an option from the **View** drop-down list.



**VIEWING THE FEDERAL NOTICE OF APPEAL KEYCITE FLAG**

Westlaw Edge is the only online legal research provider 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.

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 US Court of Appeals or the US Supreme Court. Appeals from agencies like US Military Boards, US Patent and Trademark Offices, Veterans Claims, etc., will not receive the flag on the lower court opinion.

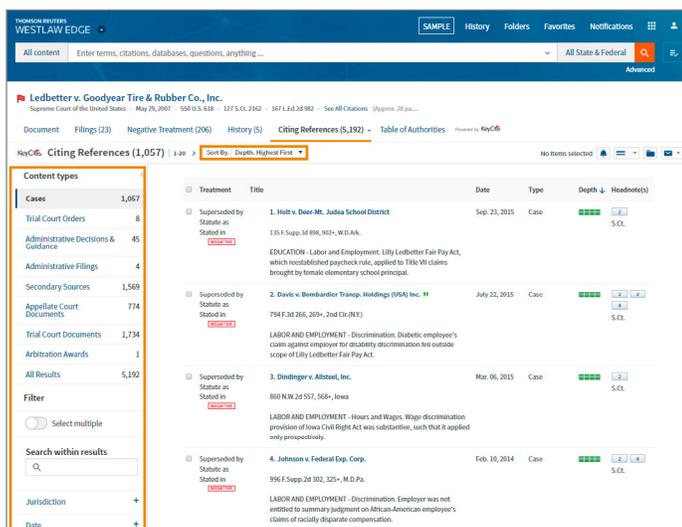
After a decision has been made, the blue-striped flag will be removed. Click the **bell** icon to create a KeyCite alert to be notified when a decision is made in the case.

**VIEWING CITING REFERENCES**

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, select an option from the **Sort By** drop-down list on the toolbar.

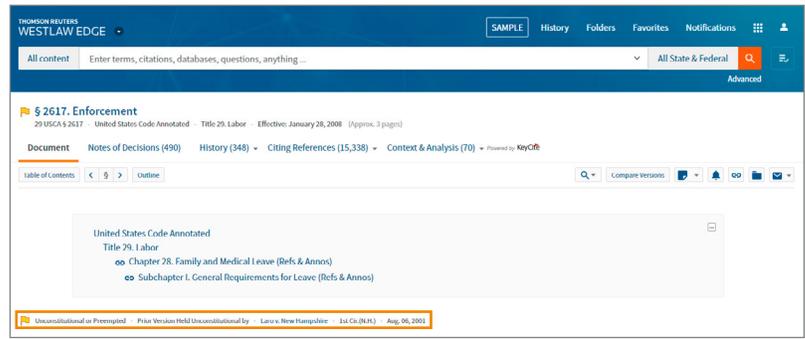
To narrow the list of citing references, you can:

- Enter search terms in the **Search within results** box 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, e.g., **Jurisdiction**.



### Checking Statutes and Court Rules

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.



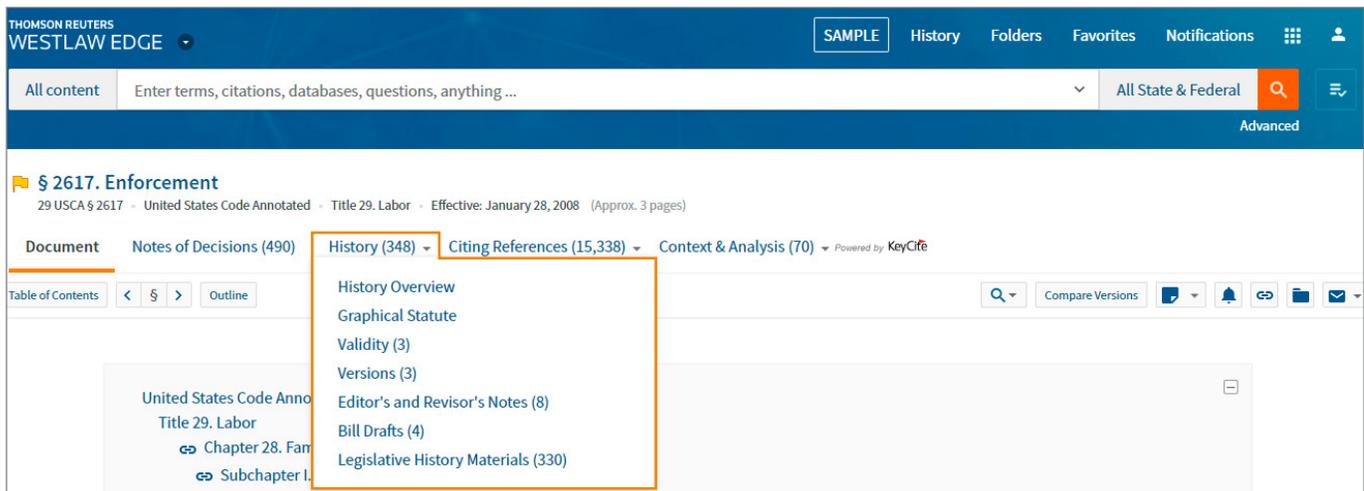
### KEYCITE STATUS FLAGS

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

### VIEWING HISTORY

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.



**VIEWING CITING REFERENCES**

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 Edge 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, select a date option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can:

- Enter terms in the **Search within results** box 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, e.g., **Jurisdiction**.

The screenshot shows the Westlaw Edge interface for § 2617. Enforcement. The 'Citing References' tab is active, displaying a list of 2,475 references. The left sidebar shows 'Content types' with 'Cases' selected (2,475). Below the sidebar, there are 'Filter' and 'Search within results' sections. The main table lists cases with columns for Title, Date, NOD Topics, and Type. The first case is '1. JOHN CLOUTIER, Plaintiff, v. GOJET AIRLINES, LLC, Defendant.' dated Jan. 04, 2019.

**Checking Regulations**

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.

The screenshot shows a regulation document for § 17.11 Endangered and threatened wildlife. The document content is displayed in a large white box. At the bottom left of this box, there is a yellow flag icon with the text 'Proposed Regulation' next to it.

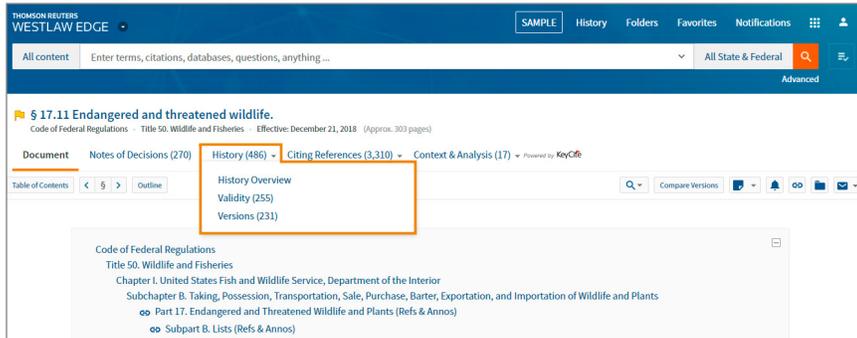
**KEYCITE STATUS FLAGS**

-  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.

**VIEWING HISTORY**

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.

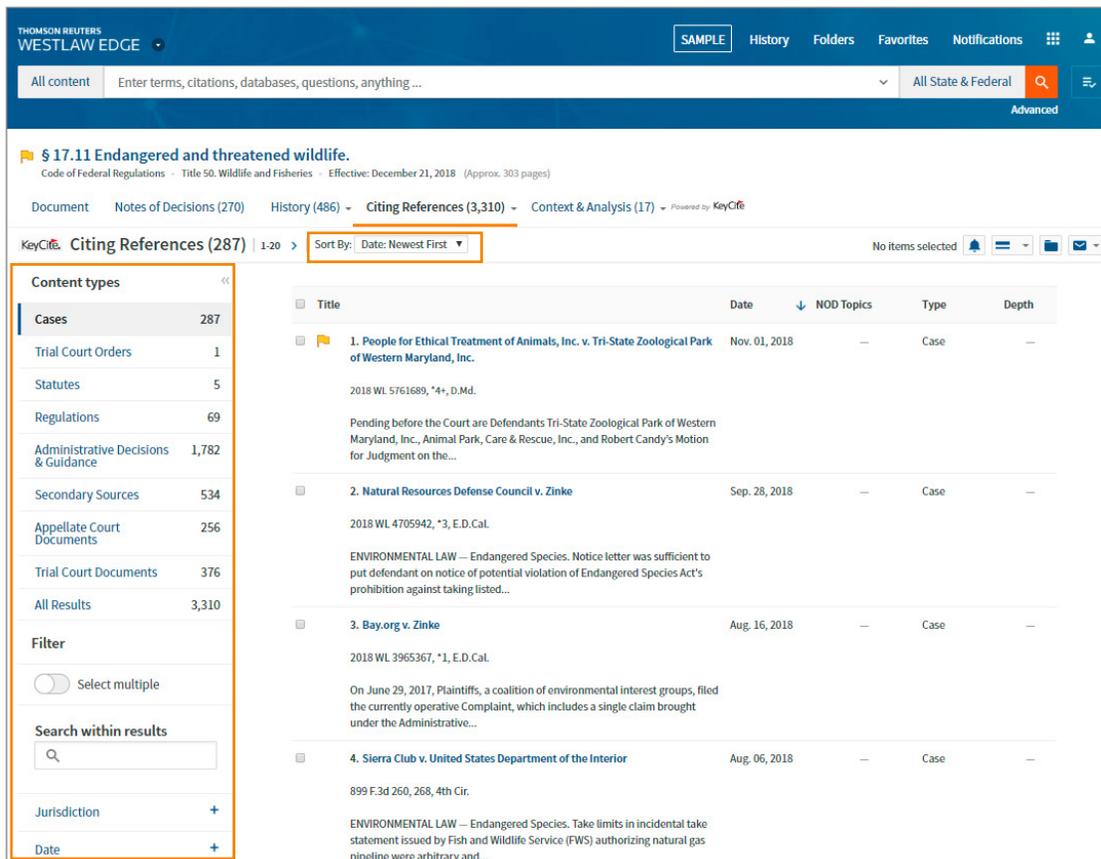


**VIEWING CITING REFERENCES**

Click the **Citing References** tab to view a list of cases from notes of decisions, cases on Westlaw Edge 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, select a date option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can:

- Enter terms in the **Search within results** box 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, e.g., **Jurisdiction**.



### Checking Patents in KeyCite

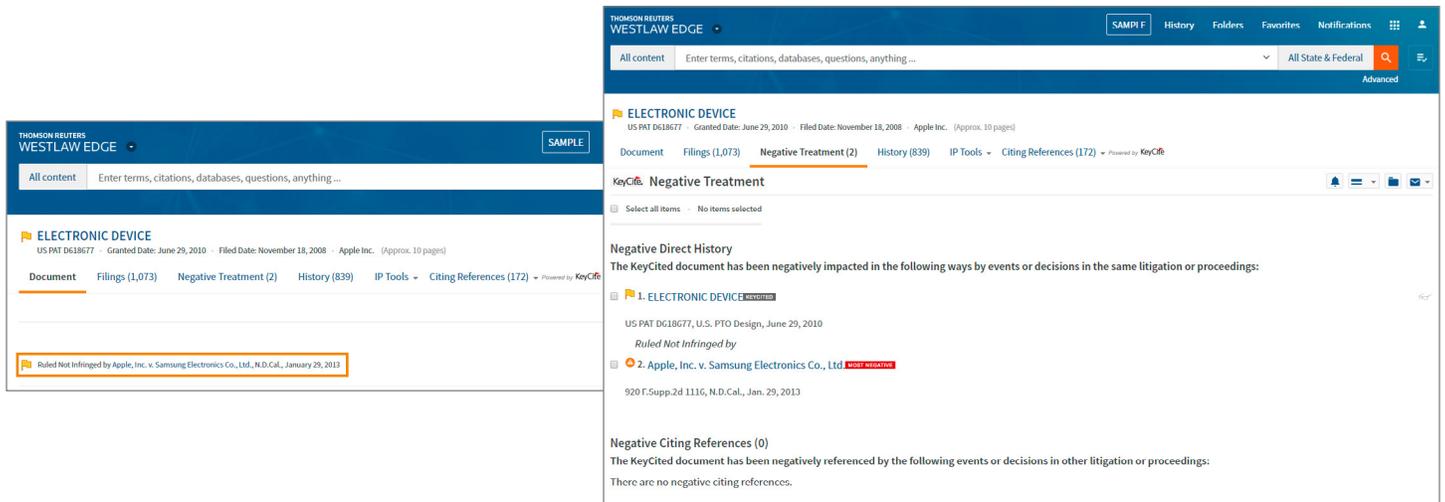
If a patent has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document. Most negative treatment consists of phrases such as *Invalid* or *Not Infringed* and includes a link to the underlying document, if available.

#### KEYCITE STATUS FLAGS

-  A red flag indicates 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 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.

#### VIEWING NEGATIVE DIRECT HISTORY AND NEGATIVE CITING REFERENCES

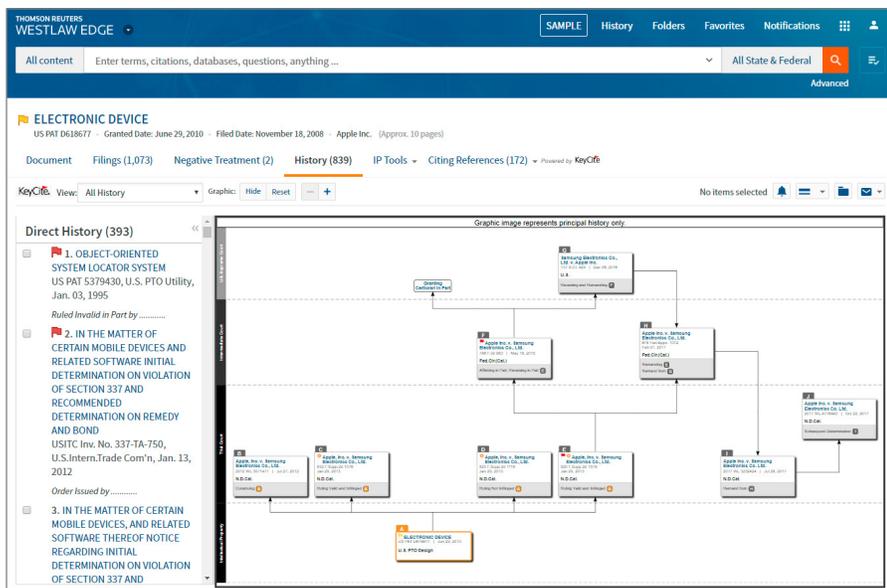
Negative red and yellow flags will appear in the **Negative Treatment** tab. Click the **Negative Treatment** tab to view negative direct history and negative citing references for a patent. Negative citing references are listed in table format.



The screenshot shows the Westlaw Edge interface for patent US PAT D618677. The 'Negative Treatment' tab is selected, displaying a list of negative direct history items. The first item is '1. ELECTRONIC DEVICE' with a red flag icon, indicating it has been negatively impacted. Below this, it lists 'US PAT D618677, U.S. PTO Design, June 29, 2010' and 'Ruled Not Infringed by'. The second item is '2. Apple, Inc. v. Samsung Electronics Co., Ltd' with a red flag icon and the text 'NOT NEGATIVE'. Below this, it lists '920 F.Supp.2d 1116, N.D.Cal., Jan. 29, 2013'. The 'Negative Citing References' section shows 0 items, indicating no negative citing references are present.

#### VIEWING HISTORY

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 selecting an option from the **View** drop-down list.



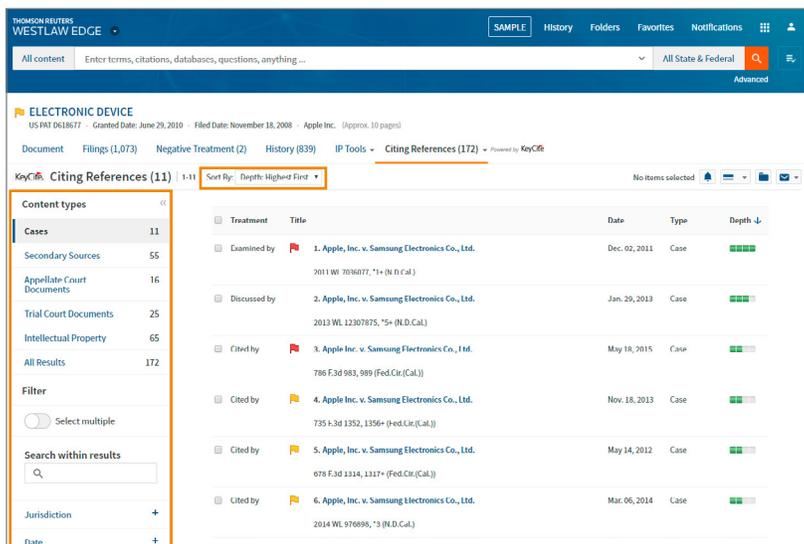
The screenshot shows the Westlaw Edge interface for patent US PAT D618677. The 'History' tab is selected, displaying a 'Direct History' list on the left and a graphical flowchart on the right. The 'Direct History' list includes three items: '1. OBJECT-ORIENTED SYSTEM LOCATOR SYSTEM', '2. IN THE MATTER OF CERTAIN MOBILE DEVICES AND RELATED SOFTWARE INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND', and '3. IN THE MATTER OF CERTAIN MOBILE DEVICES, AND RELATED SOFTWARE THEREOF NOTICE REGARDING INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND'. The graphical flowchart shows the relationship between these cases and the patent, with arrows indicating the flow of history. The patent 'ELECTRONIC DEVICE' is highlighted in the flowchart.

**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, select an option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can:

- Enter terms in the **Search within results** box 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, e.g., **Jurisdiction**.



**Checking Trademarks in KeyCite**

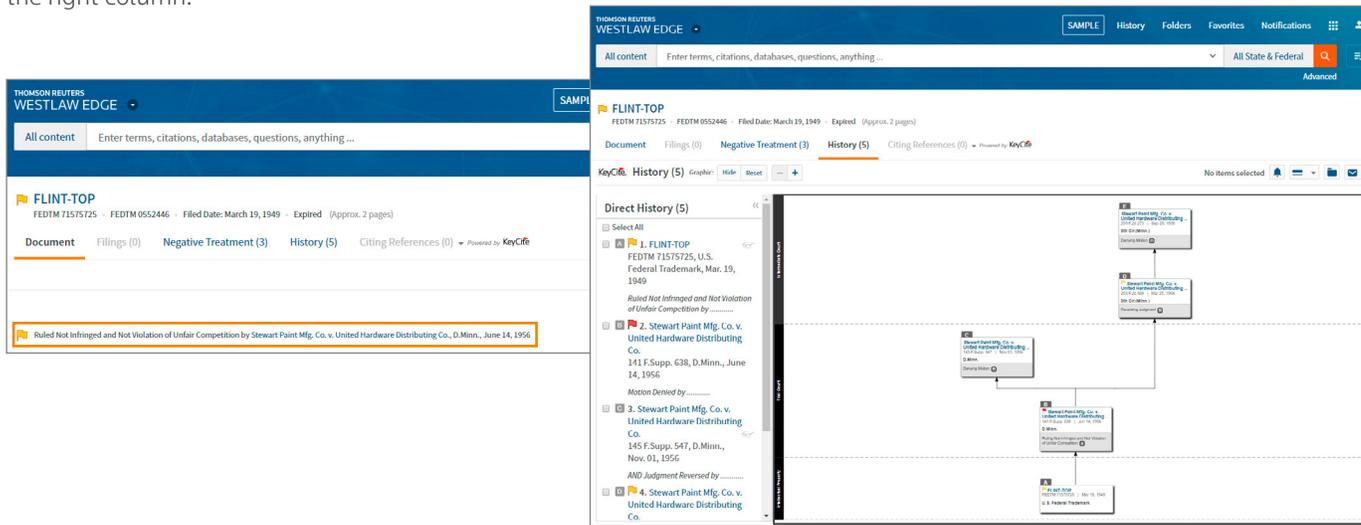
If a trademark has a red or yellow flag, it is displayed next to the citation at the top of the document.

**KEYCITE STATUS FLAGS**

- A red flag indicates a court has held the trademark invalid or invalid and not infringed, or has cancelled the trademark.
- A yellow flag indicates a court has held the trademark was not infringed but didn't 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**

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, select an option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can:

- Enter terms in the **Search within results** box 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, e.g., **Jurisdiction**.

The screenshot shows the Westlaw Edge interface for a NIKE trademark. The top navigation bar includes 'SAMPLE', 'History', 'Folders', 'Favorites', and 'Notifications'. The search bar contains 'All content' and 'Enter terms, citations, databases, questions, anything ...'. The main content area shows 'NIKE' with document numbers and dates. Below this, there are tabs for 'Document', 'Filings (121)', 'Negative Treatment (2)', 'History (113)', and 'Citing References (217)'. The 'Citing References' tab is active, showing a list of 29 references. A sidebar on the left contains 'Content types' (Trial Court Documents: 1, Intellectual Property: 216, Docket Summaries: 43, Lit Alerts: 144, Trademarks: 29, All Results: 217) and a 'Filter' section with a 'Select multiple' toggle and a 'Search within results' box. The main table lists citing references with columns for Treatment, Title, Date, Type, and Depth.

Treatment	Title	Date	Type	Depth
1.	NIKE FEDTM 75187264	Oct. 24, 1996	Trademark	—
2.	NIKE FEDTM 75977827	Oct. 24, 1996	Trademark	—
3.	NIKE FEDTM 75161018	Aug. 30, 1996	Trademark	—
4.	NIKE FEDTM 74612653	Dec. 19, 1994	Trademark	—
5.	NIKE FEDTM 74605804	Dec. 02, 1994	Trademark	—
6.	NIKE FEDTM 74449156	Oct. 21, 1993	Trademark	—

**Looking for More Information?**

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For assistance using Westlaw Edge, call the Reference Attorneys at **+1 800 REF ATTY** (+1 800 733 2889).

For additional training materials, visit [tr.com/westlawedge-training](https://tr.com/westlawedge-training).