

Using Google (and the Internet) for Research

Tips, Tricks and Tales of
Wonder and Woe

By Kathy Taggart
Senior Research Services Librarian
Lowenstein Sandler LLP

SEARCH OPERATORS

A space is an assumed “and”



medical device mislabeled



Web

News

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Shopping

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Search tools

About 668,000 results (0.42 seconds)

[Bryan Medical Tracoe Mini 3.0mm Tracheostomy Tube - Misl...](#)

www.fda.gov/MedicalDevices/.../ucm361... ▾ Food and Drug Administration ▾

Jul 22, 2013 - The Tracoe Mini 3.0mm Tracheostomy Tubes were **mislabeled** on the device packaging. The outside of the device packaging stated a 3.0mm ...

[Device Labeling - Food and Drug Administration](#)

www.fda.gov/MedicalDevices/DeviceReg... ▾ Food and Drug Administration ▾

Mar 12, 2014 - Device Advice - Introduction to labeling requirements for **medical devices**, including advertising, over the counter, exemptions, in vitro ...

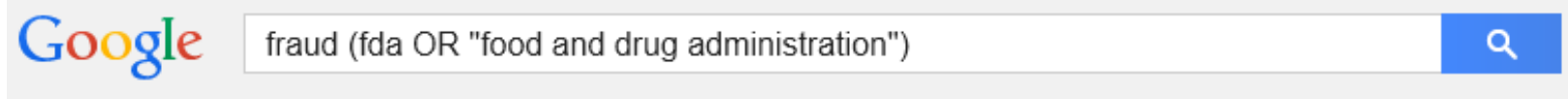
[Part 801 - General Device Labeling ...](#) - [Quality System Regulation ...](#)

[\[PDF\] Medical Device Labeling Facts](#)

www.loftware.com/.../Medical%20Devices_Labeling%20Fact%20Sheet.p... ▾

in inefficiency and **mislabeled** which can significantly impact the bottom line. Local Labeling Barriers. In today's global supply chains, **Medical. Device** ...

Put a phrase in quotes; you can use OR for synonyms



Web News Images Videos Shopping More ▾ Search tools

About 9,670,000 results (0.37 seconds)

Health Fraud Scams - Food and Drug Administration

www.fda.gov/.../healthfraud/default.htm ▾ Food and Drug Administration ▾

Feb 14, 2014 - Health fraud scams refer to products that claim to prevent, treat, or cure diseases or other health conditions, but are not proven safe and ...

Medication Health Fraud - Food and Drug Administration

www.fda.gov/.../MedicationHealthFraud/ ▾ Food and Drug Administration ▾

Feb 14, 2014 - In general, health fraud drug products are articles of unproven effectiveness that claim to treat disease or improve health. In addition to wasting ...

Health Fraud > For Consumers - Food and Drug Administr...

www.fda.gov/.../HealthFraud/ucm267375... ▾ Food and Drug Administration ▾

Jan 15, 2014 - At this very minute, someone is falling for a health fraud scam. It's happening all around us. They target all of us with promises of quick fixes and ...


Beware of Online Cancer Fraud - Food and Drug Administr...

www.fda.gov/.../ucm048383.htm ▾ Food and Drug Administration ▾

Jan 30, 2014 - FDA and the Federal Trade Commission have launched a program targeting online health fraud that takes advantage of people with cancer.

Try lots of different searches

Google

"fraud on the FDA" 

Web News Shopping Videos Images More ▾ Search tools

About 204,000 results (0.29 seconds)

"Fraud-on-the-FDA" Failure to Warn Claims Are ... - Sedgwic...
www.sdma.com/fraud-on-the-fda-failure-to-warn-claims-are-preempted-... ▾
Mar 28, 2012 - "Fraud-on-the-FDA" Failure to Warn Claims Are Preempted by Federal Law. Pharmaceutical Law Update. March 2012. The extent to which ...

[PDF] Fraud on the FDA - article.DOC
www.lrrlaw.com/files/.../Fraud%20on%20the%20FDA%20-%20article.p... ▾
Fraud on the FDA: U.S. Supreme Court Rejects New Application of a Familiar Theory by Joice B. Nidy, Esq., Duckor, Spradling and Metzger, A Law Corporation.

Buckman Co. v. Plaintiffs' Legal Comm. - Wikipedia, the free ...
en.wikipedia.org/.../Buckman_Co._v._Plaintiffs'_Legal_Com... ▾ Wikipedia ▾
The case concerned whether the FDCA (Food, Drug and Cosmetic Act), a federal statute, pre-empted a state-law fraud-on-the-FDA claim. Although finding it on ...

FDA Law Blog: Recent "Fraud on the FDA" Court Decision S...
www.fdalawblog.net/fda_law_blog_hyman.../recent-fraud-on.html ▾
Nov 26, 2007 - In the preemption world, "fraud on the FDA" cases are fairly common. As one court recently used the term, fraud on the FDA means a drug or a ...

PRODUCTS LIABILITY: Federal Law Preempts Texas Fraud...
www.nlrg.com/.../PRODUCTS-LIABILITY-Federal-Law-Preempts-Texa... ▾
Apr 27, 2012 - Legal research on products liability. "Federal Law Preempts Texas Fraud-on-the-FDA Rebuttal Statute," by Jeremy Taylor, National Legal ...

[Articles](#)[Books](#)[New sletters](#)[Other Publications](#)[Presentations](#)

Publications

"Fraud-on-the-FDA" Failure to Warn Claims Are Preempted by Federal Law

Pharmaceutical Law Update

March 2012

The extent to which federal law preempts state law claims is an issue that has been in the forefront of drug and medical device litigation throughout the past few years. In the context of medical device litigation, the U.S. Supreme Court rendered its seminal *Buckman v. Plaintiffs' Legal Comm.*, 531 U.S. 341 (2001), decision determining that federal law preempts state law causes of action based on a medical device manufacturer's alleged fraudulent representations to the Food and Drug Administration (FDA). Since that decision, federal courts have been considering whether the *Buckman* analysis applies more broadly to all claims asserting allegations of "fraud-on-the-FDA," or simply just to causes of action titled "fraud-on-the-FDA." Compare *Garcia v. Wyeth-Ayerst Labs.*, 385 F.3d 961 (6th Cir. 2004), with *Desiano v. Warner-Lambert & Co.*, 467 F.3d 85 (2d Cir. 2006), *aff'd by an equally divided court sub nom. Warner-Lambert Co., LLC v. Kent*, 552 U.S. 440, 128 S. Ct. 1168 (2008). The Fifth Circuit Court of Appeals is the most recent court to weigh in on this issue in *Lofton v. McNeil Consumer & Specialty Pharm., et al*, 2012 WL 579772 (5th Cir. Feb. 22, 2012).

Related Offices

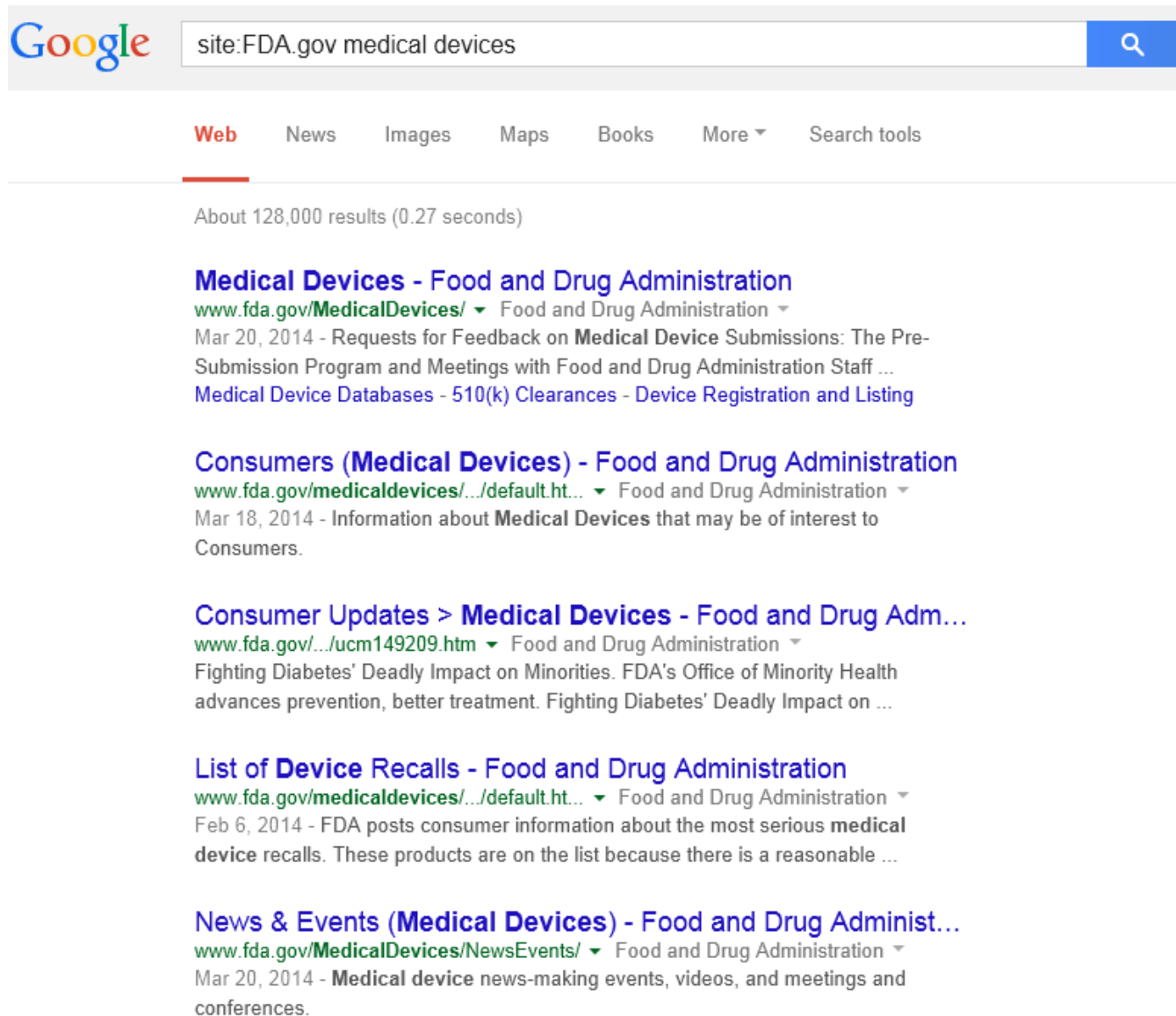
[Dallas](#)

Related Practices

[Complex Litigation](#)[Life Sciences](#)

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Narrow your search to one website (FDA.gov) or one kind of domain (.edu, .gov, .com, .org, .mil)



Google

Web News Images Maps Books More ▾ Search tools

About 128,000 results (0.27 seconds)

Medical Devices - Food and Drug Administration
www.fda.gov/MedicalDevices/ ▾ Food and Drug Administration ▾
Mar 20, 2014 - Requests for Feedback on **Medical Device** Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff ...
[Medical Device Databases - 510\(k\) Clearances - Device Registration and Listing](#)

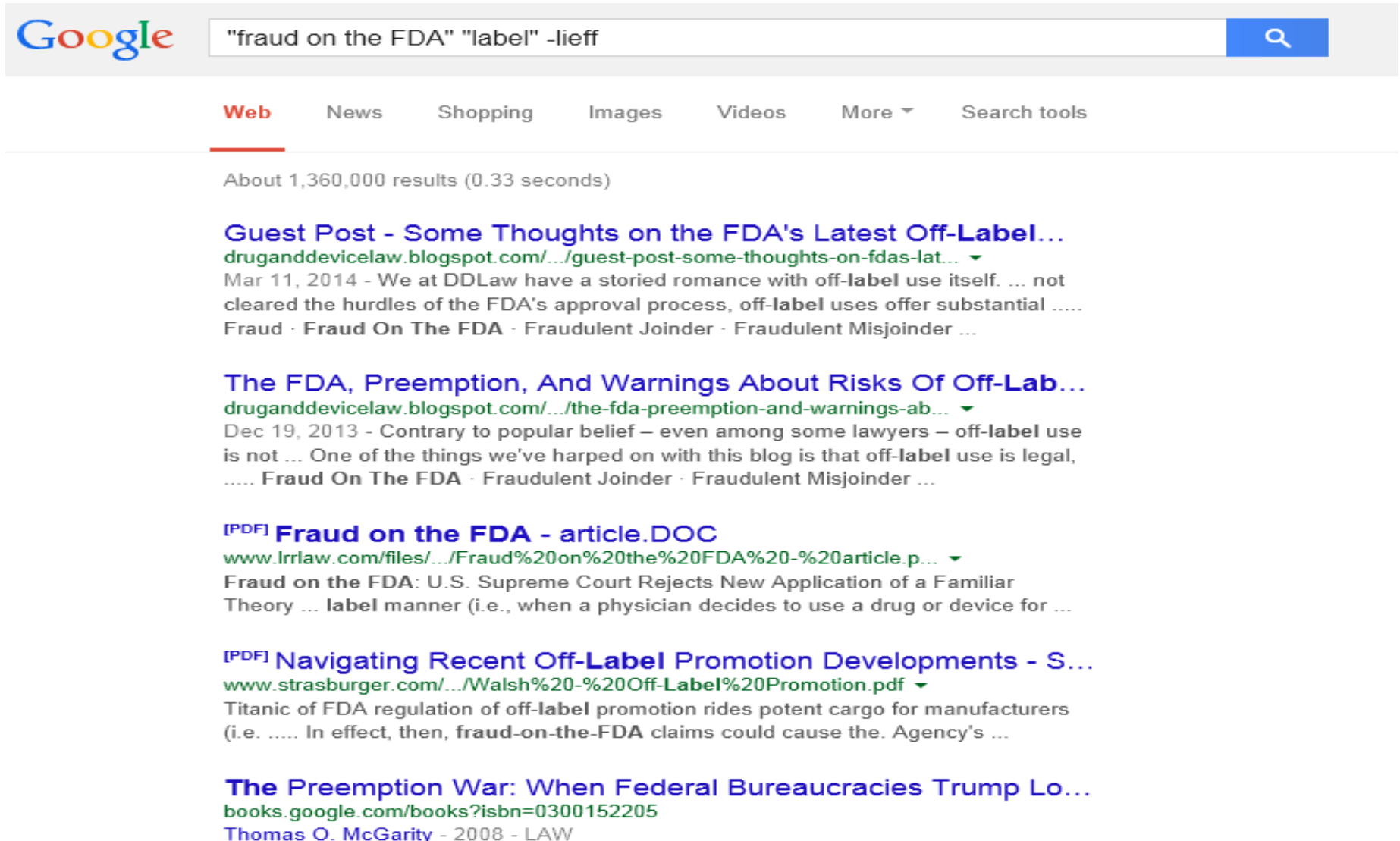
Consumers (Medical Devices) - Food and Drug Administration
www.fda.gov/medicaldevices/.../default.ht... ▾ Food and Drug Administration ▾
Mar 18, 2014 - Information about **Medical Devices** that may be of interest to Consumers.

Consumer Updates > Medical Devices - Food and Drug Adm...
www.fda.gov/.../ucm149209.htm ▾ Food and Drug Administration ▾
Fighting Diabetes' Deadly Impact on Minorities. FDA's Office of Minority Health advances prevention, better treatment. Fighting Diabetes' Deadly Impact on ...

List of Device Recalls - Food and Drug Administration
www.fda.gov/medicaldevices/.../default.ht... ▾ Food and Drug Administration ▾
Feb 6, 2014 - FDA posts consumer information about the most serious **medical device** recalls. These products are on the list because there is a reasonable ...

News & Events (Medical Devices) - Food and Drug Administr...
www.fda.gov/MedicalDevices/NewsEvents/ ▾ Food and Drug Administration ▾
Mar 20, 2014 - **Medical device** news-making events, videos, and meetings and conferences.

Use quotes to ensure words appear (even one word); use minus sign next to a word to have it not appear



The image shows a Google search interface. The search bar contains the text "fraud on the FDA" "label" -lieff. Below the search bar, there are navigation tabs for Web, News, Shopping, Images, Videos, More, and Search tools. The search results show approximately 1,360,000 results in 0.33 seconds. The first result is a guest post from druganddevicelaw.blogspot.com titled "Some Thoughts on the FDA's Latest Off-Label..." dated Mar 11, 2014. The second result is another guest post from the same blog titled "The FDA, Preemption, And Warnings About Risks Of Off-Label..." dated Dec 19, 2013. The third result is a PDF document titled "Fraud on the FDA - article.DOC" from lrrlaw.com. The fourth result is a PDF document titled "Navigating Recent Off-Label Promotion Developments - S..." from strasburger.com. The fifth result is a book titled "The Preemption War: When Federal Bureaucracies Trump Lo..." by Thomas O. McGariv, published in 2008.

Google

"fraud on the FDA" "label" -lieff

Web News Shopping Images Videos More Search tools

About 1,360,000 results (0.33 seconds)

Guest Post - Some Thoughts on the FDA's Latest Off-Label...
[druganddevicelaw.blogspot.com/.../guest-post-some-thoughts-on-fdas-lat...](#)
Mar 11, 2014 - We at DDLaw have a storied romance with off-label use itself. ... not cleared the hurdles of the FDA's approval process, off-label uses offer substantial
Fraud · **Fraud On The FDA** · Fraudulent Joinder · Fraudulent Misjoinder ...

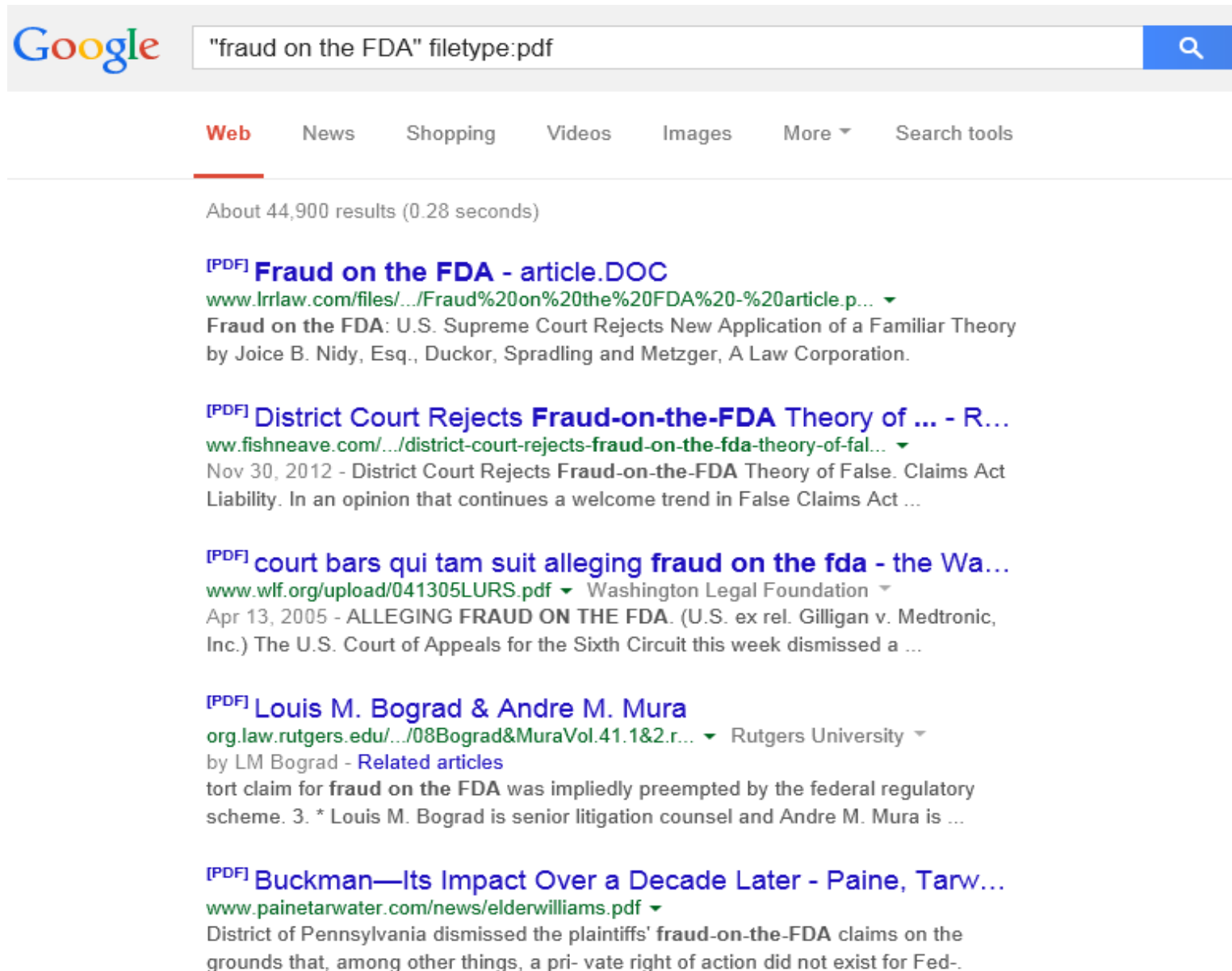
The FDA, Preemption, And Warnings About Risks Of Off-Lab...
[druganddevicelaw.blogspot.com/.../the-fda-preemption-and-warnings-ab...](#)
Dec 19, 2013 - Contrary to popular belief – even among some lawyers – off-label use is not ... One of the things we've harped on with this blog is that off-label use is legal,
..... **Fraud On The FDA** · Fraudulent Joinder · Fraudulent Misjoinder ...

[PDF] Fraud on the FDA - article.DOC
[www.lrrlaw.com/files/.../Fraud%20on%20the%20FDA%20-%20article.p...](#)
Fraud on the FDA: U.S. Supreme Court Rejects New Application of a Familiar Theory ... label manner (i.e., when a physician decides to use a drug or device for ...

[PDF] Navigating Recent Off-Label Promotion Developments - S...
[www.strasburger.com/.../Walsh%20-%20Off-Label%20Promotion.pdf](#)
Titanic of FDA regulation of off-label promotion rides potent cargo for manufacturers (i.e. In effect, then, **fraud-on-the-FDA** claims could cause the. Agency's ...

The Preemption War: When Federal Bureaucracies Trump Lo...
[books.google.com/books?isbn=0300152205](#)
Thomas O. McGariv - 2008 - LAW

Narrow your search to one filetype – Adobe (pdf), Word (doc), Excel (xls), Powerpoint (ppt)



The image shows a Google search interface. The search bar contains the text "fraud on the FDA" filetype:pdf. Below the search bar, the "Web" tab is selected. The search results show approximately 44,900 results in 0.28 seconds. Five results are listed, each with a "[PDF]" icon, a blue title, a green URL, and a brief description.

Google

"fraud on the FDA" filetype:pdf

Web News Shopping Videos Images More Search tools

About 44,900 results (0.28 seconds)

[PDF] **Fraud on the FDA - article.DOC**
www.lrrlaw.com/files/.../Fraud%20on%20the%20FDA%20-%20article.p...
Fraud on the FDA: U.S. Supreme Court Rejects New Application of a Familiar Theory by Joice B. Nidy, Esq., Duckor, Spradling and Metzger, A Law Corporation.

[PDF] **District Court Rejects Fraud-on-the-FDA Theory of ... - R...**
www.fishneave.com/.../district-court-rejects-fraud-on-the-fda-theory-of-fal...
Nov 30, 2012 - District Court Rejects Fraud-on-the-FDA Theory of False Claims Act Liability. In an opinion that continues a welcome trend in False Claims Act ...

[PDF] **court bars qui tam suit alleging fraud on the fda - the Wa...**
www.wlf.org/upload/041305LURS.pdf Washington Legal Foundation
Apr 13, 2005 - ALLEGING FRAUD ON THE FDA. (U.S. ex rel. Gilligan v. Medtronic, Inc.) The U.S. Court of Appeals for the Sixth Circuit this week dismissed a ...

[PDF] **Louis M. Bograd & Andre M. Mura**
org.law.rutgers.edu/.../08Bograd&MuraVol.41.1&2.r... Rutgers University
by LM Bograd - Related articles
tort claim for fraud on the FDA was impliedly preempted by the federal regulatory scheme. 3. * Louis M. Bograd is senior litigation counsel and Andre M. Mura is ...

[PDF] **Buckman—Its Impact Over a Decade Later - Paine, Tarw...**
www.painetarwater.com/news/elderwilliams.pdf
District of Pennsylvania dismissed the plaintiffs' fraud-on-the-FDA claims on the grounds that, among other things, a private right of action did not exist for Fed-

Finding Search Features

The image shows a Google search interface. At the top left is the Google logo. The search bar contains the text "fraud on the fda" filetype:pdf. To the right of the search bar is a blue search button with a magnifying glass icon. Further right is a grid icon and a blue "Sign in" button. Below the search bar are navigation tabs: "Web" (highlighted with a red underline), "News", "Shopping", "Videos", "Images", "More" (with a dropdown arrow), and "Search tools". Below the tabs, it says "About 44,900 results (0.23 seconds)". The first search result is a PDF document titled "Fraud on the FDA - article.DOC" from www.lrrlaw.com. The result text reads: "Fraud on the FDA: U.S. Supreme Court Rejects New Application of a Familiar Theory by Joice B. Nidy, Esq., Duckor, Spradling and Metzger, A Law Corporation." In the top right corner, there is a gear icon. A blue arrow points from this gear icon to a dropdown menu that appears below it. The menu contains the following options: "Search settings", "Languages", "Turn on SafeSearch", "Advanced search", "Web history", and "Search help".

When you click on this wheel (after you run a search), these options appear

- Search settings
- Languages
- Turn on SafeSearch
- Advanced search
- Web history
- Search help

Search Settings

- Change things like search predictions and number of results per page

Google Instant predictions

When should we show you **results as you type**?

- Only when my computer is fast enough.
Instant is currently on for web search. Manually change it below.
- Always show Instant results.
- Never show Instant results.

Results per page



Advanced Search

- From this page, use all the search operators we discussed, plus more (language, where terms appear (in title only, in text only), etc.

Then narrow your results
by...

language:

any language

region:

any region

last update:

anytime

site or domain:

terms appearing:

anywhere in the page

Narrow results by time

Google

"fraud on the fda"

Web

News

Shopping

Videos

Images

More

Search tools

Any time

All results

Roseland, NJ

✓ Any time

Past hour

Past 24 hours

Past week

Past month

Past year

Custom range...

FDA" Failure to Warn Claims Are ... - Sedgwick

[n-the-fda-failure-to-warn-claims-are-preempted-...](#)

"on-the-FDA" Failure to Warn Claims Are Preempted by
Statistical Law Update. March 2012. The extent to which ...

FDA - article.DOC

[Fraud%20on%20the%20FDA%20-%20article.p...](#)

Supreme Court Rejects New Application of a Familiar Theory
Duckor, Spradling and Metzger, A Law Corporation.

Buckman Co. v. Plaintiffs' Legal Comm. - Wikipedia, the free ...



"fraud on the fda"



Web

News

Shopping

Videos

Images

More ▾

Search tools

Past week ▾

Sorted by relevance ▾

All results ▾

Clear

Drug and Device Law: Breaking News – Fosamax Preemptio...

druganddevicelaw.blogspot.com/.../breaking-news-fosamax-preemption-... ▾

2 days ago - Instead, Plaintiffs' contention appears to be a **fraud-on-the-FDA** theory which was rejected by the Supreme Court in [Buckman], or alternatively, is based largely ...

Drug and Device Law: Preemption Applies Even Though the...

druganddevicelaw.blogspot.com/.../preemption-applies-even-though-dev... ▾

4 days ago - ... Forum Non Conveniens · Fosamax · Fraud · **Fraud On The FDA** · Fraudulent Joinder · Fraudulent Misjoinder · Gadolinium · Generic Drugs · Genetics · Georgia ...

Drug and Device Law: Better Late than Never: We Look Back...

druganddevicelaw.blogspot.com/.../better-late-than-never-we-look-back-... ▾

2 days ago - ... Forum Non Conveniens · Fosamax · Fraud · **Fraud On The FDA** · Fraudulent Joinder · Fraudulent Misjoinder · Gadolinium · Generic Drugs · Genetics · Georgia ...

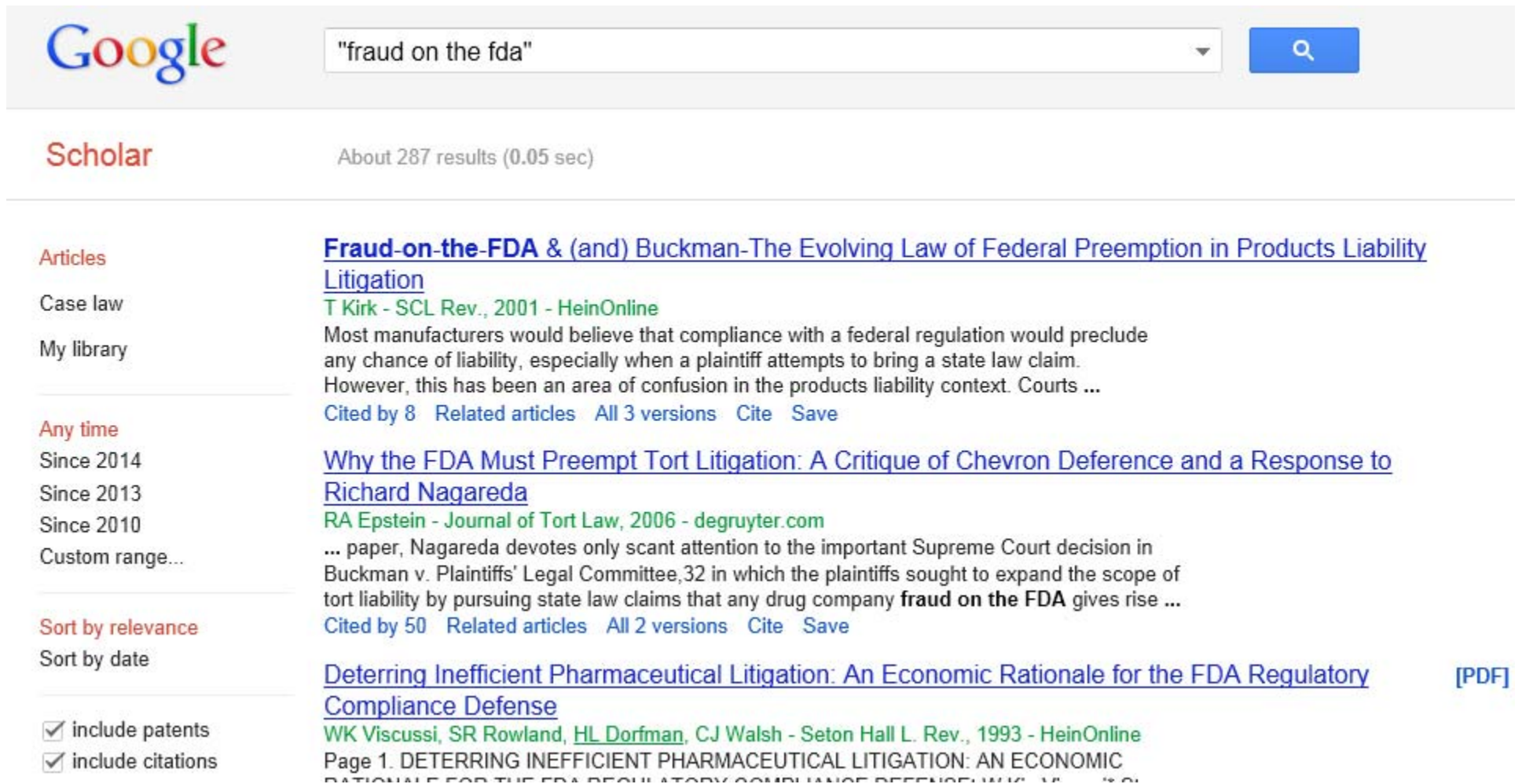
[PDF] 1 NOT FOR PUBLICATION UNITED STATES ... - Reed S...

www.reedsmith.com/files/uploads/.../Fosamax_MDL-wide.pd... ▾ Reed Smith ▾

2 days ago - state law causes of action merely required some proof of **fraud on the FDA** but such ... **fraud on the FDA** claims are preempted did not apply to automatically ...

Use Google Scholar

- <http://scholar.google.com>



The screenshot shows the Google Scholar interface. At the top, the Google logo is on the left, and a search bar contains the text "fraud on the fda" with a search button on the right. Below the search bar, the word "Scholar" is displayed in red, followed by "About 287 results (0.05 sec)".

On the left side, there are several filters and options:

- Articles** (selected)
- Case law
- My library

- Any time**
 - Since 2014
 - Since 2013
 - Since 2010
 - Custom range...

- Sort by relevance** (selected)
- Sort by date

- include patents
- include citations

The main content area displays search results:

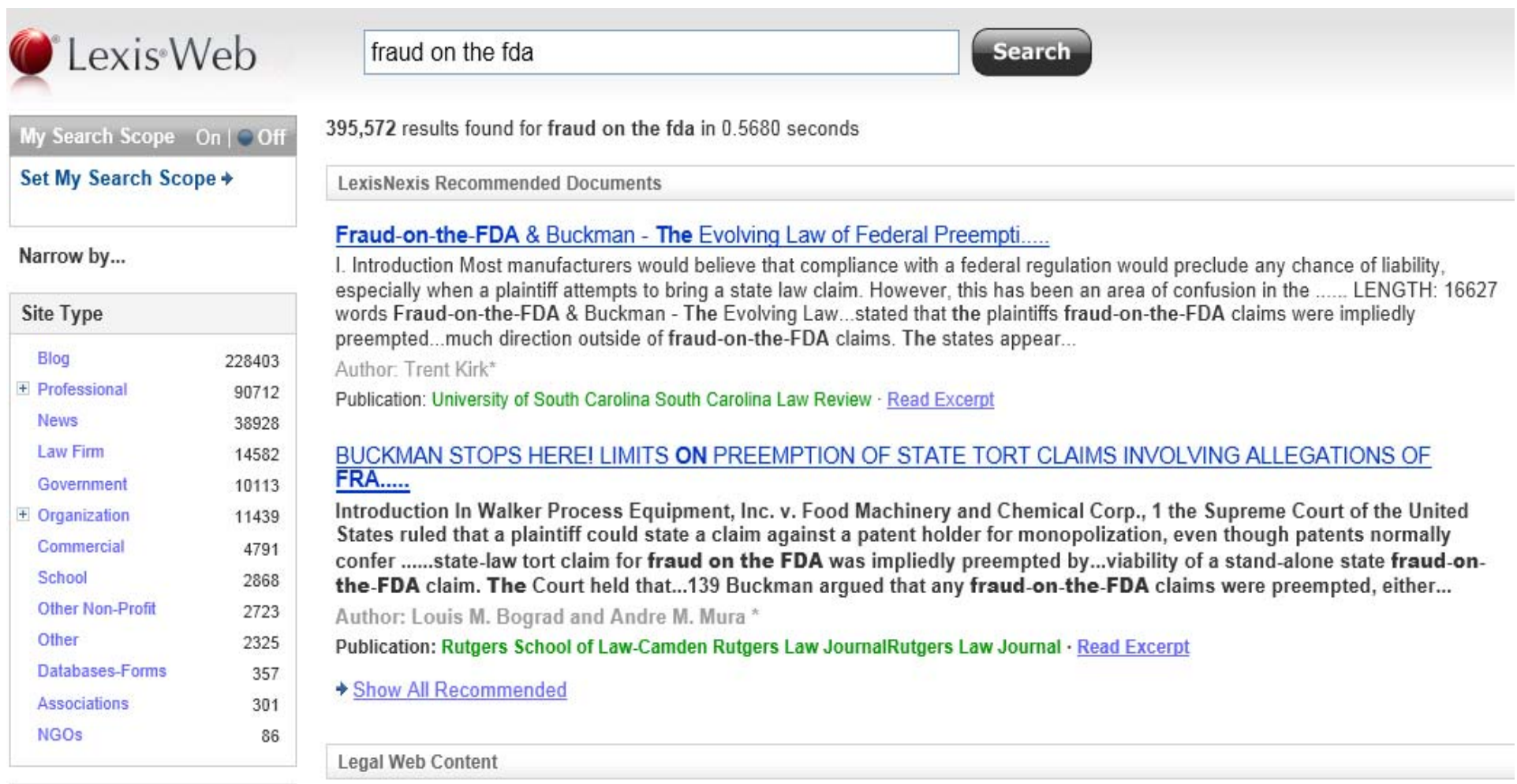
[Fraud-on-the-FDA & \(and\) Buckman-The Evolving Law of Federal Preemption in Products Liability Litigation](#)
[T Kirk - SCL Rev., 2001 - HeinOnline](#)
Most manufacturers would believe that compliance with a federal regulation would preclude any chance of liability, especially when a plaintiff attempts to bring a state law claim. However, this has been an area of confusion in the products liability context. Courts ...
[Cited by 8](#) [Related articles](#) [All 3 versions](#) [Cite](#) [Save](#)

[Why the FDA Must Preempt Tort Litigation: A Critique of Chevron Deference and a Response to Richard Nagareda](#)
[RA Epstein - Journal of Tort Law, 2006 - degruyter.com](#)
... paper, Nagareda devotes only scant attention to the important Supreme Court decision in Buckman v. Plaintiffs' Legal Committee,32 in which the plaintiffs sought to expand the scope of tort liability by pursuing state law claims that any drug company **fraud on the FDA** gives rise ...
[Cited by 50](#) [Related articles](#) [All 2 versions](#) [Cite](#) [Save](#)

[Deterring Inefficient Pharmaceutical Litigation: An Economic Rationale for the FDA Regulatory Compliance Defense](#) [\[PDF\]](#)
[WK Viscussi, SR Rowland, HL Dorfman, CJ Walsh - Seton Hall L. Rev., 1993 - HeinOnline](#)
Page 1. DETERRING INEFFICIENT PHARMACEUTICAL LITIGATION: AN ECONOMIC RATIONALE FOR THE FDA REGULATORY COMPLIANCE DEFENSE WIKI ...

Use Lexis Web

- <http://lexisweb.com>



The screenshot shows the LexisWeb search interface. At the top left is the LexisWeb logo. A search bar contains the text "fraud on the fda" and a "Search" button. Below the search bar, it indicates "395,572 results found for fraud on the fda in 0.5680 seconds". On the left side, there is a "My Search Scope" section with a toggle switch set to "Off" and a link to "Set My Search Scope". Below that is a "Narrow by..." section with a "Site Type" filter. The "Site Type" filter is a table with the following data:

Site Type	Count
Blog	228403
Professional	90712
News	38928
Law Firm	14582
Government	10113
Organization	11439
Commercial	4791
School	2868
Other Non-Profit	2723
Other	2325
Databases-Forms	357
Associations	301
NGOs	86

The main search results area displays "LexisNexis Recommended Documents". The first result is titled "Fraud-on-the-FDA & Buckman - The Evolving Law of Federal Preempti.....". The snippet reads: "I. Introduction Most manufacturers would believe that compliance with a federal regulation would preclude any chance of liability, especially when a plaintiff attempts to bring a state law claim. However, this has been an area of confusion in the LENGTH: 16627 words Fraud-on-the-FDA & Buckman - The Evolving Law...stated that the plaintiffs fraud-on-the-FDA claims were impliedly preempted...much direction outside of fraud-on-the-FDA claims. The states appear...". The author is Trent Kirk* and the publication is University of South Carolina South Carolina Law Review. A "Read Excerpt" link is provided. The second result is titled "BUCKMAN STOPS HERE! LIMITS ON PREEMPTION OF STATE TORT CLAIMS INVOLVING ALLEGATIONS OF FRA.....". The snippet reads: "Introduction In Walker Process Equipment, Inc. v. Food Machinery and Chemical Corp., 1 the Supreme Court of the United States ruled that a plaintiff could state a claim against a patent holder for monopolization, even though patents normally conferstate-law tort claim for fraud on the FDA was impliedly preempted by...viability of a stand-alone state fraud-on-the-FDA claim. The Court held that...139 Buckman argued that any fraud-on-the-FDA claims were preempted, either...". The author is Louis M. Bograd and Andre M. Mura * and the publication is Rutgers School of Law-Camden Rutgers Law Journal. A "Read Excerpt" link is provided. Below the second result is a link to "Show All Recommended". At the bottom of the page, there is a "Legal Web Content" section.

Use Google Images

Google

pedical screws



Web

Images

Shopping

Videos

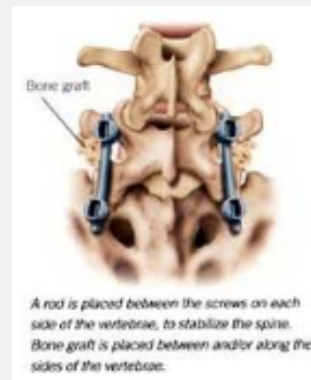
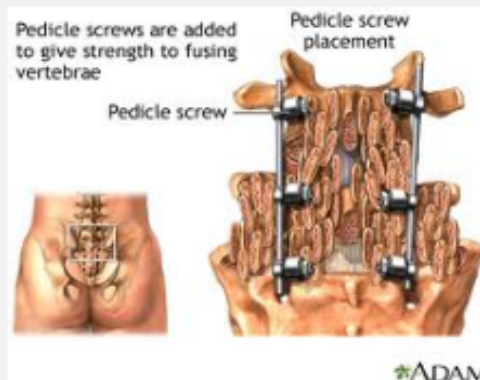
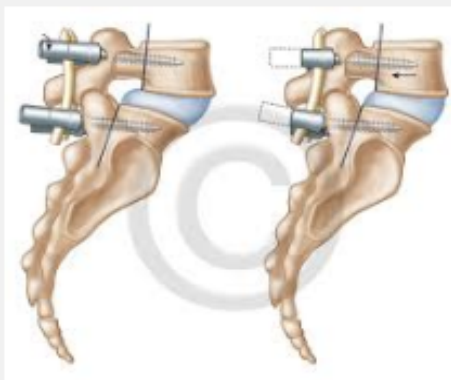
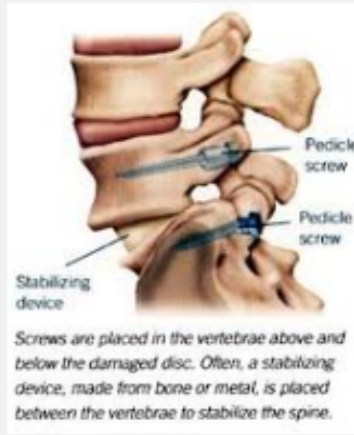
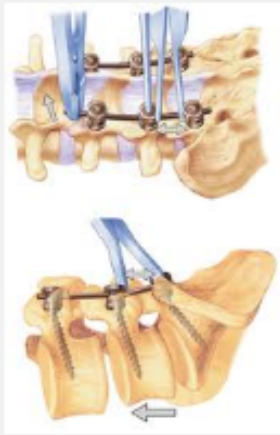
News

More ▾

Search tools

Showing results for **pedicle screws**

Search instead for [pedical screws](#)



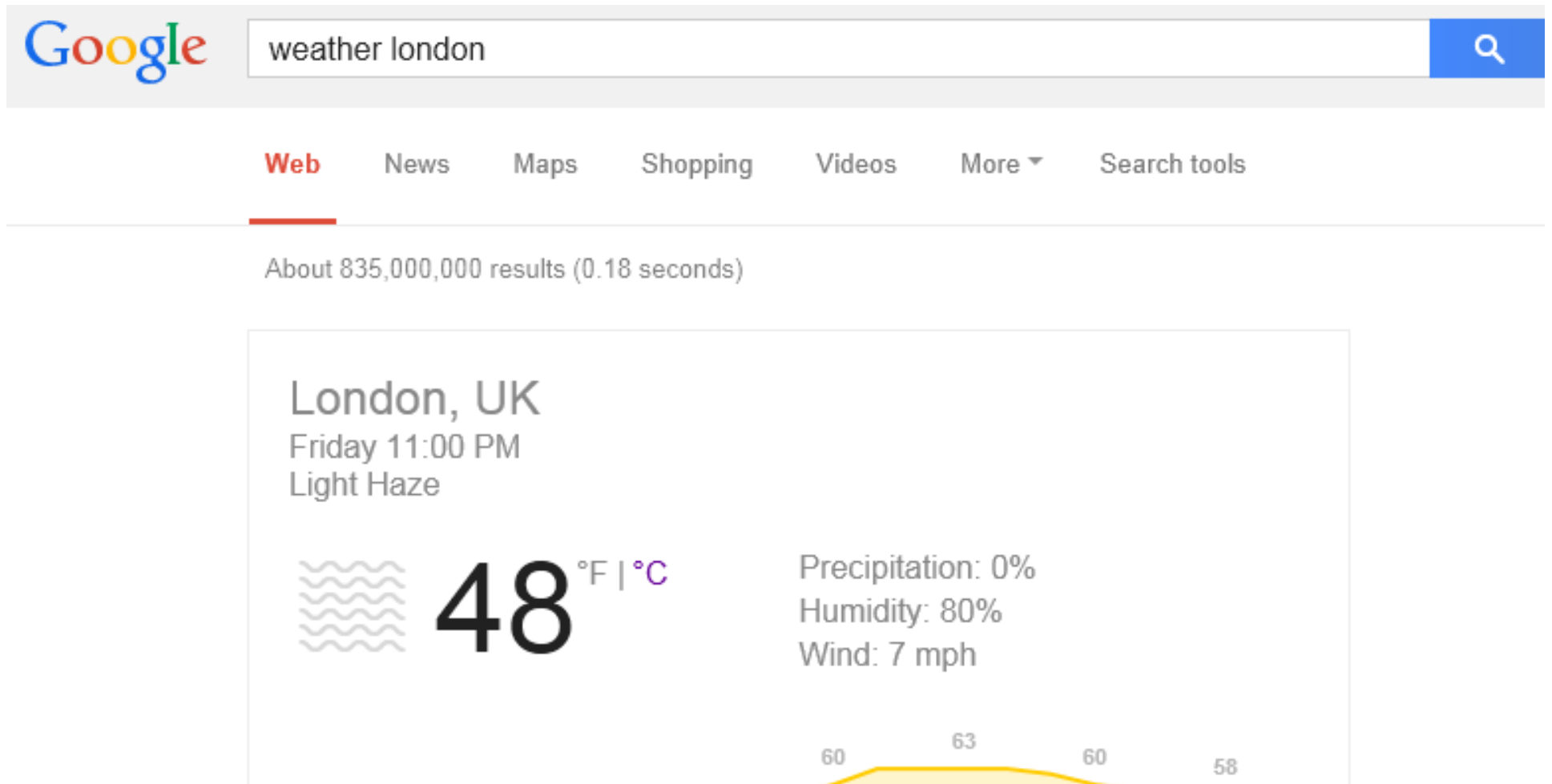
Use Google Maps

- Useful in researching parties in litigation
- Does company exist? What does the location look like? Use Satellite View
- Street View – if available, can see details of buildings, car ownership, etc.



Other Specialized Functions

- Weather




The image shows a Google search interface with the query "weather london". Below the search bar, navigation links for "Web", "News", "Maps", "Shopping", "Videos", "More", and "Search tools" are visible. The "Web" link is selected. Below the navigation bar, the search results indicate "About 835,000,000 results (0.18 seconds)". A weather widget for London, UK is displayed, showing the current temperature as 48°F | °C, along with weather conditions (Light Haze), precipitation (0%), humidity (80%), and wind (7 mph). A small line graph at the bottom of the widget shows temperature fluctuations over time, with values 60, 63, 60, and 58.

Google weather london

Web News Maps Shopping Videos More Search tools

About 835,000,000 results (0.18 seconds)

London, UK
Friday 11:00 PM
Light Haze

 48°F | °C

Precipitation: 0%
Humidity: 80%
Wind: 7 mph

60 63 60 58

Other Specialized Functions

- Time

Google

time hong kong



Web

Maps

News

Shopping

Images

More ▾

Search tools

About 1,400,000,000 results (0.24 seconds)

7:03 AM

Saturday, March 29, 2014 (HKT)

Time in Hong Kong

Wikipedia?

- Use only as a starting point – go to original sources and do your own analysis
-

Riegel v. Medtronic, Inc.

From Wikipedia, the free encyclopedia

Riegel v. Medtronic, Inc., 552 U.S. 312 [↗](#) (2008), is a [United States Supreme Court](#) case in which the Court held that the pre-emption clause of the [Medical Device Amendment](#) bars state common-law claims that challenges the effectiveness or safety of a medical device marketed in a form that received premarket approval from the [Food and Drug Administration](#).

It modified the rule in *Medtronic, Inc. v. Lohr*, 518 U.S. 470 [↗](#) (1996).

See also [\[edit\]](#)

- *Eli Lilly & Co. v. Medtronic, Inc.*
- FDA Preemption
- [List of United States Supreme Court cases, volume 552](#)

Further reading [\[edit\]](#)

- [Syllabus and opinion in printable format from Justia.com](#) [↗](#)
- Korobkin, Russell (2007). "Who Should Protect the Public? The Supreme Court and Medical Device Regulation". *New England Journal of Medicine* 357 (17): 1680–1681. doi:10.1056/NEJMp078142 [↗](#). PMID 17960010 [↗](#).

Tales of Woe

- Be careful what you use! You are responsible for your work product and its accuracy, currency and reliability
- Let me tell you about.....
 - Jersey corporation law
 - Wikipedia vs. US Code

Getting Creative

- Use other search engines such as Yahoo, Bing, Exalead, SearchLion (video, twitter), and more (see <http://www.philb.com/whichengine.htm>)
- Search Twitter using Topsy or Snapbird
- For long shots, use search engine Millionshort to remove top million (or 100k or 10k) most popular sites from its index

Good luck!

Kathy Taggart

ktaggart@lowenstein.com