

**Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank and
College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board**

Pathfinder

Cases

1. *Chew v. California*, 893 F.2d 331 (Fed. Cir. 1990).
2. *Atascadero State Hospital v. Scanlon*, 473 US 234 (1985) clear statement rule
3. *Chavez v. Arte Publico Press*, 157 F.3d 282, 291 (5th Cir. 1998) (holding Copyright Remedy Act unconstitutional)
4. *Genentech, Inc. v. Eli Lilly and Co.*, 998 F.2d 931, 943 (Fed. Cir. 1993) (holding Patent Remedy Act validly abrogated sovereign immunity).
5. *Florida Prepaid v. College Savings Bank*, 119 S. Ct. 2199 (1999)
6. *College Savings Bank v. Florida Prepaid*, 119 S.Ct. 2219 (1999)
7. *Seminole Tribe of Florida v. Florida*, 517 U.S. 44 (1996) Congress can't use Art I to abrogate 11th Amendment
8. *Parden v. Terminal Railway*, 377 U.S.184 (1964)
9. *Chisholm v. Georgia*, 2 U.S. 419 (1793); case that launched the 11th Amendment
10. *Hans v. Louisiana*, 134 U.S. 1 (1890) extends protection to suits by any individual regardless of citizenship—the Eleventh Amendment “reflects ‘the fundamental principle of sovereign immunity [that] limits the grant of judicial authority in Art. III’”—Hans
11. *Pennsylvania v. Union Gas*, 491 U.S. 1 (1989) (plurality opinion) (Congress can abrogate using the commerce clause. *Seminole Tribe* overruled this case)
12. *Fitzpatrick v. Bitzer* 427 U.S. 445 (1976) (14th Amendment can abrogate 11th)
13. *City of Boerne v. Flores*, 52 U.S. 507 (1997) (test for appropriate 14th Amendment legislation)
14. *Clark v. Barnard* 108 U.S. 436 (1883). State can waive immunity
15. *Welch v. Texas Dep't of Highways and Pub. Transp.*, 483 U.S. 468, 478 (1987)
16. *Employees v. Department of Public Health and Welfare*, 411 U.S. 279 (1973)
17. *College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board*, 948 F. Supp. 400(D. N.J. 1996).
18. *College Savings Bank v. Florida Prepaid*, 148 F.3d 1343, 1346 (Fed. Cir. 1998).
19. *College Savings Bank v. Florida Prepaid Postsecondary Educ. Bd.*, 131 F. 3d 353 (3rd Cir. 1997).
20. *Ex Parte Young*, 209 U.S. 123 (1908)
21. *Bonito Boats, Inc. v. Thunder Craft Boats, Inc.*, 489 U.S. 141 (1989)
22. *Sears, Roebuck & Co. v. Stieffel Co.*, 376 U.S. 225 (1964)
23. *City of Boerne v. Flores* 521 US 507
24. *Hughes v. Alexandria Scrap*, 426 U.S. 794 (1976)

Constitutional Provisions

1. Eleventh Amendment:
The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

2. Fourteenth Amendment

Statutes

1. 35 USC § 271 et seq (Patent Act)
2. Patent Remedy Act, 35 USC §§ 271(h), 296(a)
3. Trademark Clarification Remedy Act 15 USC § 1222(b)
4. Copyright Remedy Act 17 USC § 511 (1990)
5. 28 U.S.C. §§ 1295;1338(a)

Law Reviews

1. Fletcher, *A Historical Interpretation of the Eleventh Amendment: A Narrow Construction of an Affirmative Grant of Jurisdiction Rather Than a Prohibition Against Jurisdiction*, 35 STAN. L. REV. 1033 (1983)
2. Daniel J. Meltzer, *The Seminole Decision and State Sovereign Immunity*, 1996 SUP. CT. REV. 1 1996)
3. James Evans Taylor, Note, *Express Waiver of Eleventh Amendment Immunity*, 17 GA. L. REV. 513 (1983)
4. John T. Cross, *Intellectual Property and the Eleventh Amendment After Seminole Tribe*, 47 DEPAUL L. REV. 519
5. Rebecca S. Eisenberg, *Public Research and Private Development: Patents and Technology Transfer in Government-Sponsored Research*, 82 VA. L. REV. 1663, 1708-09 (1996).

Treatises

1. Tribe on Constitutional Law

Books

1. RICHARD H. FALLON ET. AL., HART AND WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM 1097-1100 (4th ed. 1996)
2. ROBERT P. MERGES ET AL, INTELLECTUAL PROPERTY IN THE NEW TECHNOLOGICAL AGE 125.