iMatt :: The Blog of Matt Clare
About a man who saw an over crowding of information and said 'me too!'

Bb v. SFLC, Sakai, Moglen, rational thinkers, et all.
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Today I attended an excellent panel on the current BlackBoard patent (and indirectly their legal action against Desire 2 Learn) that featured Eben Moglen, General Counsel for the Free Software Foundation, and the Chairman of Software Freedom Law Center and Matthew Small, BlackBoard's senior legal council. Both parties took questions and talked about Bb's patent.

This followed the morning keynote by Moglen that was excellent, as he is a great speaker and a great advocate. I recommend the podcast when it comes out. It also follows a motion filled by the Software Freedom Law Center to invalidate Bb's patent.

Small attempted to clarify that they only hold a patent on multiple educational roles being performed by one person and that they are interested in supporting open source and that he believes Sakai is trying to fight a war that BlackBoard dosen't think they're in. Ultimately, Bb (which owns WebCT) has no position on software patents other than they are the law as it exists and Bb will avail themselves of whatever legal system they have to work with.

Moglen flatly denied that the patent was anything close to valid and said that any concern about it was moot as it would soon be gone. He also pointed out that what Small claimed was the focus of their patent, and the part that has no prior art, was "roles may be mixed; for example when an instructor of one course, is also a student in another course" - that line is actually found in brackets inside of The user roles comprise a student role associated with a student user, an instructor role associated with an instructor user, and an administrator role associated with an administrator user (roles

may be mixed; for example when an instructor of one course, is also a student in another course). — Hardly the focus of the patent.

In response to a question about exporting, or reverse-engineering, the course archive files Matthew was understandably not able to give a technical response to the question other than to clarify that institutions did own their content when it was inside of Bb. Moglen was able to respond that if anyone were to try to import their content directly out of a Bb course archive and be sued he would be there to defend them, for free, whether retained by Sakai or not. I think Moglen sees that issue as analogous to the FAT file system patent/contention that he fought with Microsoft.

The knowledge and the certainty that Moglen invokes when speaking about this patent, and defending free software is very reassuring and I'm very happy that he is contributing to freedom the way that he is. I also want to give praise to Matthew Small and his team for coming to this conference - The WebCT conference was nowhere near as hostile to Bb as the Sakai one has been.

Excellent image of Matthew Small & Eben Moglen from iandolphin999.