

THE STRENGTH OF WEAK TIES

EVERYONE PARTICIPATES. EVERYONE CONTRIBUTES. LEVERAGING THE POWER OF DIGITAL NETWORKS TO CONNECT PEOPLE, RESOURCES AND IDEAS TO DRIVE CREATIVITY AND INNOVATION FORWARD...

Friday, August 11, 2006

Blogging, Blackboard, and the History of the World

Blackboard has really done it now. They're more evil than ever...

I would imagine everyone is now aware the Blackboard has patented the learning management system. As you may or may not know, I work for a school district that is a Blackboard client (full disclosure). I like Blackboard as a product and it has been a good tool for our use. I do have my issues with the company, like poor customer support, a revolving door on their reps and support people, and a too-extravagant conference that customers ultimately pay for (does everyone really have to have dinner aboard the flight deck of the USS Midway?). I'll even admit to being pretty upset after we received a significant cost increase for the product and then at their national conference in Phoenix in 2004, watching them load up motor coaches outside the client party downtown (which was also over the top) and truck off their 28-33 year old staff to a private closed party while over a 100 people stared in disbelief...not good business. And with the patent, they seem to prefer a business model that seemingly operates in the most aggressive fashion possible, and in the process alienates many.

But can you blame Blackboard for their patent strategy? Seriously, they're a publicly traded corporation who answers to shareholders. Like most for-profit business, their goal is to, well, make a profit, in fact, maximize profit. That's what businesses do, and they believe that this current path will do just that. I would imagine that those who have posted against the actions of Blackboard would prefer Blackboard to possess a more altruistic approach to education. This certainly would be desirable, perhaps even expected, given that Blackboard makes its living off of education. But perhaps that perspective is just plain unrealistic.

You can **HATE** Blackboard, stomp your feet and hold your breath. You can think that Blackboard is part of a conspiracy. You can even design silly little graphics for posting on Flickr. You can blame Blackboard for the Kennedy assassination if you want. But Blackboard's in this to make a buck.

If it was me, I'd design some peace graphics for Israel and Lebanon, or make some graphics about how the oil companies (and all their patents!) are making obscene profits by ripping us all off by charging \$3.50 a gallon for their product. I might think of all the

servicemen and women the U.S. has lost in Iraq, and design some graphics for them. Or I might design some graphics about the terrorists who want to blow more planes up. You know, maybe some graphics about something really important....

I think Mark Oehlert gets it right in his post title about the situation, appropriately entitled "LMS Patented!! Is anyone home at the **Patent Office**?" (my emphasis)

Shouldn't we be blaming the patent office for allowing the patent? Isn't Blackboard, Inc. just taking advantage of what is available to them as a corporation?

OK, take a trip back in time with me to look at a little history. Let's consider how outraged bloggers would have been in ____ (had blogging existed, of course...) . Fill in the blank with the date below:

1849, to find out that a future president who invented a mechanism for floating a ship through shallow water received a patent for that design. That man was Abraham Lincoln.

1879, when they found out that the symbol representing our freedoms as a country, the symbol that graces our eastern coast, and the symbol that was the first thing seen by millions of immigrants, had its design patented. That symbol is of course the Statue of Liberty. Shock. Horror. Outrage! (and maybe even some graphics!).

and in 1906, when two visionary young men applied for a patent for controlling some really crazy "flying machine" and were awarded it. Those two men, of course, were Orville and Wilbur Wright. (patent information inventors.about.com/library/lessons/bl_appendix3.htm)

A simple search of the U.S. Patent Office database returns 11,747 patents that include the word "education." Where are all the blog posts screaming hatred and damnation at these patent holders? *Or is it just a Blackboard thing?*

Now I probably shouldn't compare Lincoln, the Wright Brothers, and the Statue of Liberty to Blackboard but this is my blog so I'll do it. Perhaps you'll even have some fun at my expense in your posts. Do I like the fact that Blackboard is trying to corner the market by bullying its competition? Not really. Am I willing to use their product in spite of that? Yes-the product has been a good thing for the parents, teachers and kids in my district, and that's the most important thing. I am willing to accept that patents have been around for a long time, and inventors, businesses and corporations will continue to take advantage of them, often at the expense of others. I'm willing to accept that Blackboard as an organization is not perfect-and in fact, probably far from it. I'm also willing to accept that everything is not always open-source and that some people, believe it or not, wish to make a profit for what they produce.

That's just the way it is...

Comments

Jeff Utecht said...

OK, so China has unblocked blogger and I finally get to comment on your blog. Wouldn't you know that the first thing I pick is a Blackboard debate. You know where I stand. I love my Moodle. It's free, easy and although I wouldn't want my car open-source my LMS...yes! ;)

Do I like what blackboard is doing? No. Can they? Yes. And all you can say is God Bless America. You might disagree with me but it's things like this that make America great. Here is a company trying to patent e-learning. Do I think they will succeed? No. Do I hope they succeed? No. There is something in my soul that says it's fundamentally wrong to patent learning. But hey give it a shot.

You make some good points. Sure oil companies are making big bucks. Why? Because they can. My friends who still live in Saudi Arabia told me this summer that Saudi lowered the price of gas to about 16 cents a liter. Why? Because they can. One thing about living in an capitalistic society/world is you take the good with the bad. Somebody is getting rich and someone else is getting shafted. That's the way the world and especially America works. Love it or hate it, it's what makes America, America.

Full disclosure: I own stock in Blackboard and I have to say, it was a good buy. ;)

12:04 PM _

David said...

I think China unblocked Blogger so everyone can read my blog. Sorry, I just couldn't resist that one...

5:05 PM _

James Deville said...

I was at a school (Spokane Falls Community College) that was a Blackboard client, and I couldn't stand it. IMHO, it was poorly designed, bloated and slow, and it was down nearly once a week. I have to admit that I got here by means of "Dave's Educational Blog" and I disagree with his excerpts of your post. I feel that he kinda presented it like you were saying that the whole situation was fine. After reading, I tend to agree that the bigger problem is with USPTO, not BB.

PS, I think I would consider selling the stock soon, I have a feeling this isn't going to go over well.

12:48 PM _

dave cormier said...

James - i agree with you in the sense that i could have better represented David in my post, And said as much on Sunday night on our show to Stephen Downes. The post started as a comment here in David's blog, and then i switched it to my blog as it got longer and longer. I then tried to copy and paste the relevant passages... (the displacement of my third comment is particularly glaring)

I, unfortunately, wrote that at 5am while rocking the child again... I may have to stop doing that.

David - i still don't entirely agree with you, but could have represented you better. My bad. I'll make the necessary adjustments on my blog.

9:10 PM _

Mira said...

Jake, this is the 'can't blame a puddle for splashing you' argument, and you have a point. I suppose Bb is obliged to maximise the value of its shares through any means possible. Legally and in terms of its survival in the for-profit sector, this patent makes a lot of sense and as such is pretty predictable.

If you're happy in the puddle, that's great. I'm hoping it dries up (forgive the prolonged metaphor) - software patenting amounts to limiting ideas, and this is a bad ethos in education for a start. It also involves monopolising something (ideas, code) which can be replicated boundlessly and without any costs - this makes it very different from the some of the other examples you gave of patenting physical entities. The implications of patenting ideas are serious - software increasingly underpins the things we depend on in life and we need it to be a) cheap, b) secure and c) nimble - all of which are threatened by software patents.

More at <http://www.nosoftwarepatents.com/>.

4:21 AM _

Ben Wermuller said...

Jeff -

Do I like what blackboard is doing? No. Can they? Yes. And all you can say is God Bless America. You might disagree with me but it's things like this that make America great.

Is it? How? Software patents stifle innovation; I always assumed it was exactly the innovation and the impact of different ideas, backgrounds and viewpoints that make America great. This kind of protectionist thinking is going to generate bad will, and in the wider scope - seeing as you brought it up - is exactly what is waning America's popularity and greatness.

There is something in my soul that says it's fundamentally wrong to patent learning. But

hey give it a shot.

They should absolutely have the freedom to give it a go. And the patent office should absolutely have told them where to go.

4:32 AM _

David said...

Who's Jake...?

6:54 PM