Blackboard E-Learning Patent

By tim on August 13, 2006

A little bird wrote:

> You may or may not have heard that the major Learning Management
> System player, Blackboard (75% share), has recently gotten offensive
> with a patent claim. They're suing another player in our space,
> Desire2Learn. It's caused a massive uproar amongst the elearning
> community, as there are huge and obvious issues of prior art that appear
> to have been completely ignored by the patent office. The open source
> community (Moodle, and also Sakai) and other commercial players are
> collaborating using wikipedia to gather prior art history. It's lit the wires
> unlike any topic I've seen in recent memory. There's some interesting
> backlash on boycottblackboard.org.

See also the Wikipedia entry offering a plain language translation of the patent. It's a
great example of someone using clear and ordinary language to illustrate just how far
patent filings have come from their original intent of instructing people about how a
purported invention works, and how far they go to obscure by legal language the
appropriate prior art.

I also find it interesting that Wikipedia is being used as a venue for this activism. It says
something important about the role that Wikipedia is beginning to play as a canonical
source for information about important topics.

A few more relevant links:

1. A No Edu Patents website has sprung up in the wake of this.

2. Michael Feldstein is a prodigious blogger in the elearning industry. Feldstein's blog, e-
Literate has the full history and lots of links to other relevant information.

3. The online petition (www.boycottblackboard.org/index.php?view=1) against
Blackboard's patent, with several of their customers piping in.

4. The Moodle Community wiki (moodle.org/mod/forum/discuss.php?d=50597) about the
patent and what it means, with postings by Moodle founder Martin Dougimas.

(O'Reilly publishes a book on Moodle, Using Moodle.)

Tags: wikipedia blackboard moodle lme patents

Comments

I am an internet consultant and Blackboard will never recieve a recommendation from me. I cannot in good faith reccommend my clients to dirty company and patent troll.

Posted by: Riley at August 13, 2006 07:18 AM

Well, Blackboard has been growing in size for a long time now. Acquiring company after company, some of which have been around much longer than Blackboard. Therefore, their claims to the patent are blurred, and the e-learning community must work even harder to undo the damage that the patent has done already. I work as a software architect for a company who has more than a decade of prior art and I don't feel worried about Blackboard's claims as much as the patent office's apparent lack of research. It's as if, the patent office doesn't care about technology enough to look into individual filings truthfullness.

Posted by: James Lyon at August 13, 2006 07:43 AM

By the way, the plain English translation is at the No Edu Patents site, not at Wikipedia.

Posted by: Ryan at August 13, 2006 07:56 AM

I am surprised that the open source community has remained largely silent on the issue of software patents. Richard Stallman seems to be the lone voice.

Posted by: Alfred Essa at August 13, 2006 02:16 PM

Ryan is correct; the patent language is at NoEduPatents.org. That said, the Wikipedia entry on the History of Virtual Learning Environments became one of the early repositories for the prior art effort.

By the way, Al Essa, whose name links to his blog on his comment above, also has some outstanding analysis of the patent issues on said blog. Well worth the read.

Posted by: Michael Feldstein at August 13, 2006 03:31 PM

I certainly hope the EFF is considering this for its "Patent Buster" project. They've already managed to get a couple of ridiculous patents reexamined:

http://www.eff.org/patent/

Posted by: Koshchei at August 13, 2006 04:03 PM

I contacted the EFF a couple of weeks ago but they have yet to respond. Does any know how we can get it on their radar?

Posted by: Alfred Essa at August 13, 2006 05:41 PM

Al: I nearly emailed you this morning about this; should have known you'd already be on it. :) I might suggest poking the Public Patent Foundation (pubpat.org)- this patent seems right up their alley.

Posted by: Luis Villa at August 13, 2006 09:37 PM

I worked on Computer Based Training for the U.S. Air Force, U.S. Postal Service and in private industry between 1991 and 1998. After a quick perusal of the English translation, I didn't see anything in their claims that isn't something we were doing fifteen years ago.

Posted by: Scott Petersen at August 14, 2006 09:32 AM