Date: Mon, 16 Oct 2006 15:01:23 -0400
From: "Joseph Hardin" <joseph.hardin@gmail.com>
Subject: Sakai - Blackboard Patent - Software Freedom Law Center - Update
To: partners@collab.sakaiproject.org, announcements@collab.sakaiproject.org

Dear Sakai Community Member,

A few weeks ago I sent a note to members of the Sakai Foundation describing
our retention of the Software Freedom Law Center (SFLC) to advise us on
matters regarding the Blackboard patent (see below for a copy). We feel
this patent is a hindrance to the free flow of innovation and communication
in higher education technology. At the recent EDUCAUSE conference in
Dallasthere were a number of sessions where Blackboard was challenged
about this patent. Many attendees showed their displeasure at both the patent
and the way Blackboard has been aggressively attempting to enforce it and spread
fear, uncertainty and doubt (FUD) in the minds of anyone considering
alternatives to the Blackboard system.

Indeed, the EDUCAUSE Board has just made a public statement on this. From
the Oct 11, 2006 article in the Chronicle of Higher Education "Brian L.
Hawkins, president of Educause, said the organization's Board of Directors
had voted unanimously on Sunday to encourage Blackboard "to drop the patent
, drop the lawsuit," and put the technology "in the public domain." "We think
that it is in their best interest and the best interest of the broader higher-
education community," Mr. Hawkins said.

Similarly, the IMS Global Learning Consortium Board issued its own statement
regarding the patent and prior contractual relationships between IMS and
Blackboard. These are examples of the breadth of the concern over both this
patent and the constraints on open communication and useful innovation in
educational systems that the patent could impose. We encourage similar
recognition of these problems with this patent, and the problems of software
patents in general, from throughout the educational community.

The Sakai Foundation Board has been working with the Software Freedom Law
Center over the past weeks and will continue to do so. We have been working
with counsel at the SFLC, who represent us and our colleagues in the Moodle
and ATutor open source software communities in this matter. We have not
said much about these efforts, since public discussion and legal actions
often do not mix well. We have been following the SFLC counsel's advice on
such communications. As we can prudently make public pronouncements, we
will.

If you have any concerns or questions, I'll be glad to answer all I can.
Don't hesitate to talk with me directly. I can be reached at 734 763-3266.

Joseph

Sakai Board Chair

August 17th Sakai =96 Software Freedom Law Center

Sakai Foundation Engages Software Freedom Law Center
to Advise on E-Learning Patents Threat

August 17, 2006 -- In the wake of recent efforts to limit the free and
open sharing of innovation for online learning, the Sakai Foundation

has retained the Software Freedom Law Center (SFLC), an organization
directed by Eben Moglen and dedicated to providing advice and legal
services to protect and advance free and open source software, to
evaluate the recent Blackboard patent, its impact on the educational
community, and to advise on legal matters regarding the patent.
Students, faculty, tax payers, and the general public have benefited
from a decades long pattern of true community- and user-driven
innovation in educational software. This work has been widely shared
to further enhance the effective use of Information Technology for
teaching, learning, and research. The Sakai Foundation and Sakai's open
source collaboration and learning software embody these values by
giving anyone the freedom to innovate, reuse, and share in the area of
online education and research.

The recent announcement by Blackboard that it is attempting to assert
patent rights over simple and longstanding online technologies as
applied to the area of course management systems and e-learning
technologies, and its subsequent litigation against a smaller
commercial competitor constitutes a threat to the effective and open
development of software for higher education and the values underlying
such open activities.

Sakai has engaged the SFLC to assess and respond to the patent, but the
Foundation believes that the core issue is much broader than the
current technology in question. Sakai is working with the SFLC and
others of like mind to develop a long term common defense effort, and
encourages everyone to contribute to the SFLC to support its efforts
now and in the future to aggressively challenge bad patents in the area
of educational and research software.

The Software Freedom Law Center (http://www.softwarefreedom.org/) is an
organization which provides legal representation and other law-related
services to protect and advance Free and open source software. The
SFLC is a non-profit 501(c)(3) organization, and donations made to it
are fully tax-deductible to the extent permitted by law.

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