



Sakai Foundation Statement on the Blackboard Patent Reexamination

November 30, 2006 - The Software Freedom Law Center (SFLC) today announced that it has formally asked the Patent Office to reexamine and ultimately cancel all 44 claims of Blackboard's patent on e-learning systems [view SFLC announcement] . The SFLC filed the request for reexamination on behalf of the Sakai Foundation (sakaiproject.org), the Moodle Community (moodle.org), and the ATutor Community (atutor.ca), three open source software projects which develop online educational systems.

We, the Sakai Foundation, consider the Blackboard patent to be a prime example of a bad patent in the area of educational software. It is a threat to open source developers, providers and users of educational software.

The Sakai Foundation sees the Blackboard patent and the surrounding fear, uncertainty and doubt (FUD) being spread by Blackboard as interfering with adoption of Sakai by new users who are uncertain about the application of such a broad set of patent claims. Sakai Commercial Partners have been particularly concerned about the on-going market distortions caused by the patent and the litigation that Blackboard has brought to try and enforce it.

Chris Coppola, Sakai Commercial Affiliate and Board member, says: "It's clear that Blackboard is trying to use this dubious patent to restrict the growth of open source solutions in the market by scaring potential adopters. We need to have this resolved as quickly as we can to restore an even playing field for competition. We believe that the patent is very weak, and that its claims will not stand up to review in the face of the incredible amount of clear prior art."

We are also deeply concerned that this very broad patent could stifle innovation in educational software. The patent covers any online educational system that provides different file access levels to users based on the roles of instructor, student, or administrator—technology that long predates the filing of the Blackboard patent, and that touches many of not all systems developed to support teaching, learning and research in our institutions of higher education.

We encourage the Patent Office to review and revoke the Blackboard patent.

Joseph Hardin, Sakai Foundation Board Chairman, says: "Blackboard would have done well to heed the recent recommendations of the Educause Board by placing the patent in the public domain and dropping all litigation. Since Blackboard has refused to follow these recommendations, we have taken steps to render this patent toothless."