



## **US Patent Office Strikes Again: Awards Broad Patent to Blackboard**

Submitted by Peter Schilling on July 26, 2006 - 11:48am.  
Filed under: The Commons

Blackboard today announced that the US Patent Office had awarded it a patent "for technology used for internet-based education support systems and methods." Things covered by this patent include client-server online courses in which users are defined as either students or instructors, the use of online drop boxes in an instructional setting, online grade books, online assessments, and many other common systems and methods that folks in higher education had utilized for years before the June 30, 2000 filing date of Blackboard's patent request.

After purchasing and killing Prometheus in 2002 and WebCT last year (and many other companies, though not strictly speaking CMS/LMS companies), Blackboard seems to have a long-term strategy of not developing good or original technology but buying competitors and, now it is clear, trying to keep others out of the field by getting an absurdly broad patent for common uses of technology if that technology is employed in the context of education. Not only do we need to worry about the future of open source initiatives such as Moodle and Sakai, but we also need to worry about using a blog or wiki with a class of students. In fact, simple networking protocols, authentication practices, and the like, if undertaken by a school could well be jeopardized by this patent.

### [who ya gonna sue?](#)

Submitted by Michael Roy on August 2, 2006 - 8:18am.

One interesting question that I have about all of this is: who would Blackboard sue if it decided that Sakai or Moodle were infringing on their patent? And if it was decided that these open source products did in fact contain modules that infringed on Blackboard's patents, how would this play itself out on individual campuses that had adopted these products? Would they have to stop running the software?

### [Re: US Patent Office Strikes Again: Awards Broad Patent to Black](#)

Submitted by Peter Schilling (not verified) on August 1, 2006 - 2:52pm.

Information on prior art has started to be collected here:

[http://fm.schmoller.net/2006/07/blackboards\\_us\\_.html](http://fm.schmoller.net/2006/07/blackboards_us_.html)

[Re: US Patent Office Strikes Again: Awards Broad Patent to Black](#)

Submitted by Barron Koralesky on August 1, 2006 - 3:21pm.

Here are two more sites that have started to compile examples of prior use of such intellectual property:

[http://en.wikipedia.org/wiki/History\\_of\\_virtual\\_learning\\_environments](http://en.wikipedia.org/wiki/History_of_virtual_learning_environments)

[http://docs.moodle.org/en/Online\\_Learning\\_History](http://docs.moodle.org/en/Online_Learning_History)

[Blackboard sued Desire2Learn for patent infringement](#)

Submitted by Barron Koralesky on August 1, 2006 - 1:53pm.

See:

<http://www.theinquirer.net/default.aspx?article=33396>