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JS44 (Rev 5/05 NDGA)

CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket report. (INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

Diana J Muir

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF COOD

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S)

Blackboard, Inc
US Patent Office

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Washington DC

(IN U.S. PLTF. CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Diana Muir, Pro Se
2451 Cumberland Pkwy
Suite 3157
Atlanta, GA 30339

ATTORNEYS (IF KNOWN)

Legal Officer
Blackboard Inc
1899 L Street NW
Washington DC 20036

II. BASIS OF JURISDICTION
(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
- 2 U.S. GOVERNMENT DEFENDANT
- 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
- 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

- | PLF | DEF | PLF | DEF |
|---------------------------------------|----------------------------|----------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- CITIZEN OF THIS STATE
CITIZEN OF ANOTHER STATE
CITIZEN OR SUBJECT OF A FOREIGN COUNTRY
INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
FOREIGN NATION

IV. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 ORIGINAL PROCEEDING
- 2 REMOVED FROM STATE COURT
- 3 REMANDED FROM APPELLATE COURT
- 4 REINSTATED OR REOPENED
- 5 TRANSFERRED FROM ANOTHER DISTRICT (SPECIFY DISTRICT)
- 6 MULTIDISTRICT LITIGATION
- 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

(IF COMPLEX, CHECK REASON BELOW)

- 1 Unusually large number of parties
- 2 Unusually large number of claims or defenses
- 3 Factual issues are exceptionally complex
- 4 Greater than normal volume of evidence
- 5 Extended discovery period is needed
- 6 Problems locating or preserving evidence
- 7 Pending parallel investigations or actions by government
- 8 Multiple use of experts
- 9 Need for discovery outside United States boundaries
- 10 Existence of highly technical issues and proof

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$ _____ APPLYING IFP _____ MAG. JUDGE (IFP) _____

JUDGE _____ MAG. JUDGE _____ NATURE OF SUIT _____ CAUSE OF ACTION _____

(Referral)

72

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030

35 0281

VI. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 260 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ACCOMMODATIONS
- 444 WELFARE
- 440 OTHER CIVIL RIGHTS
- 445 AMERICANS WITH DISABILITIES - Employment
- 446 AMERICANS WITH DISABILITIES - Other

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS (Filed Pro se)
- 555 PRISON CONDITION(S) (Filed Pro se)

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS (Filed by Counsel)
- 555 PRISON CONDITION(S) (Filed by Counsel)

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 610 AGRICULTURE
- 620 FOOD & DRUG
- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 630 LIQUOR LAWS
- 640 R R & TRUCK
- 650 AIRLINE REGS
- 660 OCCUPATIONAL SAFETY/HEALTH
- 680 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT RELATIONS
- 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
- 740 RAILWAY LABOR ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL RET INC SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395(f))
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWWW (405(g))
- 864 SSD TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U S PLAINTIFF OR DEFENDANT)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ACC RATES/ETC
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 810 SELECTIVE SERVICE
- 875 CUSTOMER CHALLENGE 12 USC 3410
- 881 AGRICULTURAL ACTS
- 882 ECONOMIC STABILIZATION ACT
- 893 ENVIRONMENTAL MATTERS
- 894 ENERGY ALLOCATION ACT
- 895 FREEDOM OF INFORMATION ACT
- 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
- 950 CONSTITUTIONALITY OF STATE STATUTES
- 890 OTHER STATUTORY ACTIONS

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ARBITRATION (CONFIRM/VACATE/ORDER/MODIFY)

(Note Please mark underlying Nature of Suit as well)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F R C IV P 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____

DOCKET NO _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES (CHECK APPROPRIATE BOX)

- 1 PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT
- 2 SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT
- 3 VALIDITY OR INFRINGEMENT OF THE SAME PATENT COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT
- 4 APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE
- 5 REPETITIVE CASES FILED BY PRO SE LITIGANTS
- 6 COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S))
- 7 EITHER SOME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO _____ WHICH WAS DISMISSED THIS CASE IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE

SIGNATURE OF ATTORNEY OF RECORD *[Signature]*

DATE *9 Aug 2006*

AUG 09 2006

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

JAMES N. HATTEN, CLERK
By: *[Signature]* Deputy Clerk

Diana Muir, dba PortaSchool, Inc.

Petitioner/Plaintiff,

Vs.

Blackboard, Inc., US Patent Office

Respondent/Defendant

NO. 1:06-CV-1865

RLV

COMPLAINT

COMES NOW the Plaintiff, Diana Muir, and files this Complaint against Blackboard Inc. and the U S Patent Office, and in support thereof would show the following, to-wit:

I.

That the Plaintiffs, Diana Muir is an adult resident citizen of Cobb County, Georgia and that said Respondent/Defendants are licensed to do business and are doing business in Washington D C as and E-learning Institution and the U S Patent Office.

II.

That the Defendant, Blackboard Inc and the U S. Patent Office are licensed to do business and are doing business in Washington D. C., as an E-Learning institution and as the U S Patent Office.

COUNT I

III

That the Defendant Blackboard, Inc and or their agents willfully and intentionally misrepresented themselves in application for a U S. Patent (#6,988,138) without just cause with the intent of harming the Plaintiff and other e-learning institutions and as a direct and proximate cause of Defendant's and or his agents actions, the Plaintiff were in fact irreparably harmed by the Defendant and or his agents

COUNT II

IV.

That the Defendant and or his agents have intentionally, maliciously and without just cause, engaged in deceitful business practices and malicious and intentional fraud that were calculated to harm the Plaintiff and other e-learning business and as a direct and proximate cause thereof the Plaintiffs and their business have been irreparably harmed

V.

That as a result of Defendant's actions Plaintiffs forced to retain an attorney and have incurred cost Defendant is liable.

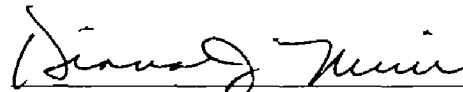
WHEREFORE PREMISES CONSIDERED, Plaintiff demands a judgment of and from the Defendant in the sum of Five Million Dollars (\$5,00,000) in actual damages and Three Hundred Fifty Thousand Dollars (\$350,000) as punitive damages along with a reasonable attorney fee and all cost

WHEREFORE PREMISES FURTHER CONSIDERED, Plaintiffs further pray that this Court will issue a temporary injunction against the Defendant Blackboard, Inc. preventing said Defendant and or his agents from continuing to harm Plaintiffs and other e-learning institutions in the manner set out above in that Plaintiffs have no other remedy in law or equity and will be irreparably harmed should said injunction not be issued

Plaintiffs pray for such other relief as in law or equity they may be entitled.

This the 8th day of August, 2006.

Respectfully submitted,



Diana J. Muir, Pro Se
2451 Cumberland Pkwy
Suite 3157
Atlanta, GA 30339
678-523-0404

STATEMENT OF CAUSE

COMES NOW the Plaintiff, Diana Muir, and states the cause for which the attached complaint is filed:

I.

That the Plaintiffs, Diana Muir has been in the business of online education since December of 1995 and subsequently filed an intent to file a patent for a concept named "PortaSchool" on 25 April 2000 based on personal knowledge of e-learning since December of 1995. This patent filing was intended to patent the "concept" of an integrated e-learning platform that contains all the same essential elements as the elements contained in the Defendant's patent application that was later initiated in 1999 and filed in 2003.

II.

That the Defendant, Blackboard Inc , when doing the required research before filing a patent, whose intent was filed in late 1999, but final papers in late 2003, did not accurately portray the e-learning industry to the U S Patent Office at that time and neglected to mention that there were other companies, public interests, websites, patent filings, and concepts that were very similar to their own, making their own patent application "not" unique in nature and undeserving of a patent. In fact, their patent may have in fact been based on the prior knowledge of the Plaintiff and the Plaintiffs initial filing for a patent consideration

III

That the Defendant Blackboard, Inc and or their agents willfully and intentionally misrepresented themselves in application for a U S Patent (#6,988,138) and as a result obtained a patent through deception, causing irreparable damage to other entities already in operation. They are currently suing several other infrastructure companies for violation of a patent which was earned through deception.

This the 8th day of August, 2006.

Respectfully submitted,



Diana J Muir, Pro Se
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