IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

BLACKBOARD INC.,	)	Civil Action File No._____
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
BILLY HOFFMAN and	)	
VIRGIL GRIFFITH,	)	
	)	
Defendants.	)	

VERIFIED COMPLAINT

Plaintiff Blackboard Inc. ("Blackboard"), through counsel, files this Complaint for injunctive and declaratory judgment relief.

PARTIES AND BACKGROUND

1. Plaintiff Blackboard is a Delaware corporation with its principal place of business in Washington, D.C.

2. Blackboard provides and sells hardware and software products, including the Blackboard Transaction System, to various institutions, including colleges and universities. The Blackboard Transaction System allows students and other authorized users to electronically purchase products and services through on-line commerce. The Blackboard Transaction System also offers a more sophisticated door access module, a security system that can allow such institutions to electronically control access to certain buildings and other locations.

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3.   Defendant Billy Hoffman is a student at the Georgia Institute of Technology who lives in the Atlanta, Georgia area. Mr. Hoffman runs a website known as www.yak.net/acidus. While Mr. Hoffman's name does not specifically appear on the www.yak.net/acidus website, the website itself acknowledges that his previous postings on this website and articles written led a "Blackboard Usergroup" to "figur[e] out I went to Tech." The website further recounts in the first person Mr. Hoffman's experiences after being confronted in 2002 by Georgia Tech police and Georgia Tech's Dean of Students, among others, about a 2001 hacking incident involving Blackboard. *See* Exhibit A

4.   Defendant Virgil Griffith is a student at the University of Alabama in New College. Mr. Griffith runs a website known as www.romanpoet.org, which is linked to Mr. Hoffman's www.yak.net/acidus website. Defendant Griffith plans to join Mr. Hoffman in speaking and handing out materials at a conference at the Radisson Hotel Atlanta Northlake, 4156 LaVista Road, in Atlanta, DeKalb County, Georgia on April 11-13, 2003, all as set forth below.

<center>SPECIFIC FACTUAL ALLEGATIONS</center>

5.   Mr. Hoffman openly acknowledges on his website that "I am a hacker." His website then defends the process of hacking. *See* Exhibit B.

6.   Mr. Hoffman's website also acknowledges that he previously broke into a switchbox, a MW/MHWMENC Wall Mount Enclosure, in a campus laundry, in order to examine an otherwise closed wiring system. As Mr. Hoffman's website notes, "I took a long thin knife, and put the tip in the groove of the screw, and used the length of the handle and torque it generates will turned to undo

each of the 4 screws. Wanna see what was inside?" His website then shows photographs of this uncovered wiring system, and attempts to explain how this reader, data line and multiplexer fit together. *See* Exhibit C.

7.   Mr. Hoffman wrote an article in the Spring 2002 issue of "2600: the Hacker Quarterly." describing what he claimed were security flaws in the Blackboard system, gleaned from his hacking. See Exhibit D.

8.   Mr. Hoffman's website notes that he was confronted by Georgia Tech police, but he was not chastened by this warning. Rather, Mr. Hoffman's website notes, "The more I think about it the angrier I get.... Nothing about this will be done until someone jacks a school for a few thousand." *See* Exhibit A.

9.   Mr. Hoffman was also confronted by Georgia Tech's administration. In an e-mail to Georgia Tech's Jim Pete, posted on his website, Mr. Hoffman again notes how "I'm pretty pissed you've been blowing me off." He also noted how his actions may facilitate further damage: "My article ... will cause people to be hacked." *See* Exhibit E.

10.   Despite being confronted by the police and the Georgia Tech administration, Mr. Hoffman, according to his website, continued to speak at certain conferences, where he "detailed the 3 types of man-in-the-middle-attacks." *See* Exhibit D. He posted on his website specs and technical details from AT&T's old cached web pages, which he describes as "details Blackboard wished weren't floating around." *See* Exhibit F. Mr. Hoffman also accepted payment as a consultant for one of Blackboard's competitors. *See* Exhibit G.

11.   Mr. Hoffman's website recently has indicated that he intends to speak at another Interz0ne II conference April 11-13, 2003, in Atlanta, DeKalb County, Georgia. A copy of that conference's agenda, confirming that Mr. Hoffman (using his website alias "Acidus") plus another co-panelist named "Virgil," are scheduled to speak at the conference on Saturday, April 12, 2003 at 7:00 p.m. *See* Exhibit H. "Virgil" is known to be Virgil Griffith, a student at the University of Alabama in New College, whose website, www.romanpoet.org, is linked to Mr. Hoffman's website.

12.   Mr. Hoffman's website indicates that, at this conference in DeKalb County, he plans to "expand on last year's CampusWide discussion":

> "The signals to and from several Blackboard readers have been captured, as well as how data is stored on the cards. Using this knowledge Virgil and I have created a drop-in compatible reader, that will work with an existing RS-485 network. Computer code to emulate any reader made as well as hardware specs to wire the readers and control circuits will be launched.... ***This will show not only did we hack the system, but we hacked it so far we could build functional readers from scratch.***"

See Exhibit G (emphasis added).

13.   Mr. Hoffman's Website further states that he plans to "speak at InterzOne, and ***release code to make a computer emulate any Blackboard reader***, as well as the hardware designs ... to make a drop in replacement for any Blackboard reader. If Blackboard wouldn't make their system more secure, or tell people how to secure it, ***I'll simply make compatible ones myself and give them away.***" *See* Exhibit J (emphasis added). On the same website discussing such compatibility, Mr. Hoffman also includes Blackboard's logo. *See* Exhibit I.

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COUNT ONE

14. The Electronic Communications Privacy Act, 18 U.S.C § 2701 *et seq.* prohibits a person from "intentionally access[ing] without authorization a facility through which an electronic information service is provided." *Id.* at § 2701(a)().

15. In the instant case, Hoffman's website openly acknowledges that he and Mr. Virgil "hacked" into Blackboard's system, and that "we hacked it so far we could build functional readers from scratch."

16. Hoffman's access into the Blackboard system, achieved through admitted "hacking," was made without authorization.

17. Accordingly, Blackboard is entitled to temporary and permanent injunctive relief, as set forth more fully below.

COUNT TWO

18. The Georgia Computer Systems Protection Act, O.C.G.A. § 16-9-90 *et seq.*, prevents a person from "[o]bstructing, interrupting, or in any way interfering with the use of a computer program or data" and from "[a]ltering, damaging, or in any way causing the malfunction of a computer, computer network, or computer program, regardless of how long the alteration, damage, or malfunction persists." O.C.G.A. § 16-9-93(b)(2) & (3).

19. Here, Mr. Hoffman has stated an intention to facilitate the causing of a malfunction to the Blackboard computer network and/or computer program.

20. The Georgia Computer Systems Protection Act also makes it a criminal offense for any person to disclose "a number, code, password, or other

means of access to a computer or computer network knowing that such disclosure is without authority and which results in damages (including the fair market value of any services used and victim expenditure) to the owner of the computer or computer network in excess of $500.00." *Id.* § 16-9-93(e).

21.   Here, Hoffman's website expressly indicates that he will be revealing code that could facilitate access to a computer network. Defendant Hoffman is without authority to disclose such code.

22.   Accordingly, Blackboard is entitled to temporary and permanent injunctive relief, as set forth more fully below.

COUNT THREE

23.   Under the Georgia Trade Secrets Act of 1990, O.C.G.A. § 10-1-760, *et seq.*, the actual or threatened misappropriation of trade secrets may be enjoined.

24.   Defendant Hoffman has threatened to misappropriate, and to display publicly, information that falls within the definition of Blackboard trade secrets, as defined by Georgia law.

25.   Accordingly, Blackboard is entitled to temporary and permanent injunctive relief, as set forth more fully below.

COUNT FOUR

26.   Under the Lanham Act, 18 U.S.C. § 2320, Blackboard retains a legitimate trademark in its products.

27.   Defendant Hoffman has threatened to produce and distribute substitute products that he claims are "compatible" with the Blackboard reader,

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explicitly or implicitly conveying an impression that the products may properly connect to, and access, Blackboard trademarked products. Mr. Hoffman has also included the Blackboard logo on his website that describes his supposedly "compatible" products.

28.   The "drop-in" products Defendants are purporting to produce and distribute are not authorized by Blackboard, and both their distribution, and the impression Defendants are trying to creat that that the products may be properly and legaly attached to or accessible with Blackboard products, is false.

29.   Because Defendants' threatened actions violate the Lanham Act, Blackboard is entitled to temporary and permanent injunctive relief, as set forth more fully below.

<div align="center">COUNT FIVE</div>

30.   Under the Consumer Fraud and Abuse Act, 18 U.S.C. § 1030 *et seq.*, it is illegal for a person to intentionally access a computer without authorization and obtain certain specified information.

31.   Similarly, the same Act makes it illegal for an individual to knowingly cause the transmission of a program, information, code or command, and intentionally cause damage, without authorization to a protected computer.

32.   Similarly, the Act makes it illegal for an individual to intentionally access a protected computer without authorization and cause damage, including a threat to public health or safety.

33.   Defendants' actions have been without authorization, and constitute a violation of the Consumer Fraud and Abuse and Abuse Act.

34.   Blackboard is entitled to temporary and permanent injunctive relief,

as set forth more fully below.

NEED FOR TEMPORARY RESTRAINING ORDER

35.   Defendants' threatened actions, if true, would allow and encourage

an unknown number of unauthorized parties to access Blackboard's system.

Although Blackboard does not acknowledge that Defendants' representations

that they have developed an ability to produce a system compatible with

Blackboard's are true, the risk of harm here is too substantial to allow Defendants

to proceed unabated. Blackboard's Transaction System covers approximately

223 university systems nationwide, including electronic security systems, trust

accounts, debit cards, and many other electronic types of financial and physical

security. Defendants are essentially claiming that they have the ability to

facilitate massive fraud, security breaches, and other harms, threatening both the

physical and financial security of college students, and harming the universities,

their vendors and Blackboard itself. Without injunctive relief, Blackboard would

have no adequate remedy at law. It faces an imminent risk of irreparable harm.

PRAYER FOR RELIEF

36.   The Court should grant a temporary restraining order, enjoining

Defendants Billy Hoffman and Virgil Griffith from:

a.   revealing or discussing any signals to or from any Blackboard
reader or any Blackboard transaction processing system, that may have been
captured;

b.   revealing or discussing information about how any information is
stored on any Blackboard card or reader, or on any Blackboard transaction
processing system;

c.   providing to others, or revealing or discussing any information relating to any "drop-in compatible reader that will work with an existing RS-485 network";

d.   releasing code to make a computer emulate any Blackboard reader or any Blackboard transaction processing system, as well as the hardware designs to make a drop in replacement for any Blackboard reader or any Blackboard transaction processing system; and

e.   claiming any that either of them has any right, either explicitly or implicitly, to provide products or services that can legitimately be used or interfaced with a Blackboard product.

37.   This Court's temporary restraining order should also require that Defendants Billy Hoffman and Virgil Griffith remove Blackboard's logo from their website, as well as any materials on their website that include any information set forth above, and

38.   This Court should thereafter establish hearing dates on Plaintiff's request for both a preliminary and permanent injunction, and order that the temporary relief set forth above be extended and made permanent.

WHEREFORE, Plaintiff requests that the Court temporarily and permanently enjoin Defendants as set forth above.

Respectfully submitted,

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VERIFICATION

I Gregory S. Smith, counsel for Blackboard Inc., being duly sworn,

hereby verify that the factual statements set forth in the above-referenced

Verified Complaint are true and correct to the best of his knowledge and

belief.

_____
Gregory S. Smith

Sworn before me this
11th day of April, 2003.

Notary Public

My commission expires: 10/14/2006