

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

BWB Co. Ltd. v. Alibaba Group (US) Inc., et al.

BWB · No. 23-cv-05917-JD · Decided September 5, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed with prejudice BWB Co. Ltd.’s amended patent-infringement complaint against Alibaba defendants under 35 U.S.C. § 101. The court held that the amended complaint did not cure the deficiencies identified in the prior dismissal order and that the claimed invention remained directed to an ineligible abstract idea implemented using conventional computer components. Judgment was ordered to be entered separately.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Donato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 5, 2025
DOCKET	23-cv-05917-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss an amended patent-infringement complaint on the ground that the asserted patents claimed patent-ineligible subject matter under 35 U.S.C. § 101.
STANDARD OF REVIEW	The court reviewed the amended complaint under Federal Rule of Civil Procedure 12(b)(6), accepting well-pleaded allegations for purposes of the motion and determining whether the complaint stated a legally cognizable claim involving patent-eligible subject matter under 35 U.S.C. § 101. No claim-construction issue or factual dispute was identified that would preclude resolution at the pleading stage.
PRECEDENTIAL VALUE	unknown

TOPICS

- patent eligibility
- patent infringement
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

patent law

patent eligibility

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that the asserted patents claimed patent-eligible subject matter under 35 U.S.C. § 101.
2. Whether the amended complaint's new allegations and legal contentions warranted reconsideration of the court's prior patent-eligibility determination.
3. Whether dismissal should be with prejudice after BWB had already received an opportunity to amend.

HOLDINGS

1. The amended complaint failed to state a claim because the asserted patents remained directed to patent-ineligible subject matter: a method of sharing information implemented using conventional computer components.
2. Dismissal with prejudice was appropriate because BWB had a full and fair opportunity to allege eligibility and the amended complaint did not cure the previously identified deficiencies.

KEY QUOTATIONS

“The claimed invention is still directed to the ineligible concept of a method to share information implemented on conventional computer parts.” (at 1)

“BWB has had a full and fair opportunity to allege eligibility and has come up short.” (at 2)

FACTUAL BACKGROUND

BWB alleged infringement of patents concerning the processing of customs information in e-commerce. The amended complaint largely repeated the allegations in the previously dismissed complaint, adding limited allegations about prior art and conclusory assertions that the claimed invention involved a non-generic, inventive combination and improved computer capabilities. The court characterized the claimed invention as a method of sharing information implemented on conventional computer components.

PROCEDURAL HISTORY

BWB alleged that Alibaba entities infringed patents concerning the processing of customs information in e-commerce. The court previously dismissed the original complaint under 35 U.S.C. § 101, expressed doubt that BWB could amend around the deficiencies, but permitted an amendment. After BWB filed an amended complaint, defendants again moved to dismiss. The court dismissed the amended complaint with prejudice and stated that judgment would be entered separately.

DISPOSITION

dismissed

CASES CITED

- Elec. Power Grp., LLC v. Alstom S.A., 830 F.3d 1350, 1354 (Fed. Cir. 2016)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
BWB CO LTD, Case No. 23-cv-05917-JD 8 Plaintiff, SECOND ORDER RE DISMISSAL v. 9 10
ALIBABA GROUP (US) INC., et al., Defendants. 11 12 13 Plaintiff BWB Co. Ltd. (BWB)
alleges that defendants Alibaba Group (US) Inc., Alibaba 14 Cloud US LLC, and Alibaba.com
U.S. LLC (Alibaba) have infringed patents concerning the 15 processing of customs information
in e-commerce.

Dkt. No. 1. The Court dismissed the prior 16 complaint under 35 U.S.C. § 101 because the patents
were directed to patent ineligible subject 17 matter. See Dkt. No. 35. The Court expressed “doubt
that BWB can amend around” these 18 deficiencies but allowed it to try. Id. at 9. BWB filed an
amended complaint. Dkt. No. 36. 19 Alibaba asks again to dismiss the amended complaint under
Federal Rule of Civil 20 Procedure 12(b)(6) on grounds of patent ineligibility.

Dkt. No. 41. Neither side identified a claim 21 construction question or factual dispute that might
preclude a disposition under Rule 12(b)(6). 22 The parties’ familiarity with the record is assumed,
and the dismissal order, Dkt. No. 35, is 23 incorporated here.

The amended complaint is dismissed with prejudice under Section 101. 24 Overall, nothing in the
amended complaint presents a good reason to change the 25 conclusion that the patents were
directed to ineligible subject matter.

The core factual allegations 26 in the amended complaint are virtually unchanged from the
dismissed complaint. BWB added a 27 few allegations about prior art, Dkt. No. 36 ¶¶ 4-13, and
purely conclusory statements to the effect 1 at | 21, but did not provide new or different facts that
might have resolved the shortcomings 2 || identified in the dismissal order.

The claimed invention is still directed to the ineligible concept of 3 a method to share information
implemented on conventional computer parts. See, e.g., id. at J 41. 4 So too for BWB’s legal
contentions, which mainly repeat arguments the Court rejected in 5 the dismissal order.

For example, BWB says again that the patents claim a non-generic and 6 inventive combination of
elements, Dkt. No. 42 at 8, but the Court has already determined 7 || otherwise. See Dkt. No. 35 at
7-8. There is nothing new in the amended complaint that might 8 warrant reconsideration of this
conclusion. BWB suggests the claimed invention is an 9 improvement in computer capabilities,
Dkt.

No. 42 at 5-6, but the Court has already determined 10 || that “its focus ‘is not on such an
improvement in computers as tools, but on certain independently 11 abstract ideas that use

computers as tools.’” Dkt. No. 35 at 7 (quoting Elec. Power Grp., LLC v. 12 Alstom S.A., 830 F.3d 1350, 1354 (Fed. Cir. 2016)).

The amended complaint again does not 5 13 provide a good reason for a fresh look here. 14 Nothing in the amended complaint changes the punchline for BWB under Section 101. 3 15 BWB has had a full and fair opportunity to allege eligibility and has come up short. 16 || Consequently, the dismissal is with prejudice. Judgment will be entered separately. IT IS SO ORDERED.

18 Dated: September 5, 2025 19 20 JAMES/#PPONATO 21 United Btates District Judge 22 23 24 25 26 27 28