

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.

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