

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)

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