

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

OPINION

BWB Co Ltd v. Alibaba Group Holding Limited

PER CURIAM.

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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