

1 Michael A. DiNardo, Esq. 216991
2 YK LAW, LLP
3 445 S. Figueroa St. Suite 2280
4 Los Angeles, CA 90071
5 Phone: 213-401-0970 x1008
6 Email: mdinardo@yklaw.us

7 Attorneys for Plaintiff
8 BWB CO., LTD.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 BWB CO., LTD, a Japan limited liability
12 company

13 Plaintiff,

14 vs.

15 ALIBABA GROUP HOLDING LIMITED,
16 a Cayman Islands company, ALIBABA
17 GROUP (US) INC., a Delaware company,
18 ALIBABA CLOUD US LLC, a Delaware
19 limited liability company, ALIBABA.COM
20 US LLC, a Delaware limited liability
21 company, ALIBABA.COM US E-
22 COMMERCE CORP., a Delaware
23 company,

24 Defendants.

) **CASE NO. 23-cv-5917**

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

1 Plaintiff BWB Co., Ltd. (“BWB” or “Plaintiff”) files this Complaint and demand for jury
2 trial against Defendants ALIBABA GROUP HOLDING LIMITED, ALIBABA GROUP (US)
3 INC., ALIBABA CLOUD US LLC, ALIBABA.COM US LLC, and ALIBABA.COM US E-
4 COMMERCE CORP., (collectively “AliBaba Defendants” of “Defendants”), by and through its
5 attorneys YK Law, LLP, and in support thereof alleges as follows:
6

7 INTRODUCTION

8 1. This Complaint arises from the AliBaba Defendant’s unlawful infringement of the
9 following United States Patents owned by BWB: United States Patent Nos. 10,460,366 (“the
10 ‘366 patent”), 11,138,644 (“the ‘644 patent”), 11,776,027 (“the ‘027 patent”), and 11,776,028
11 (“the ‘028 patent”) (collectively, “the patents in suit”).
12

13 2. BWB is the owner by assignment of the patents in suit, which generally relate to
14 e-commerce (“EC”) technology systems, servers, and programs that facilitate commercial
15 interactions between entities – both business-to-business (“B2B”) and business-to-consumer
16 (“B2C”) – particularly as to pre-customers administration and clearance.
17

18 PARTIES

19 3. Plaintiff BWB Co., Ltd is a foreign limited liability company organized and
20 existing under the laws of Japan, with an address and principal place of business located at 10-1,
21 Toranomom 2-Chome, Minato-Ku, Tokyo 1050001 JAPAN.
22

23 4. On information and belief, defendant ALIBABA GROUP HOLDING LIMITED
24 (“AGHL”) is a Cayman Islands holding company with its principal operating businesses located
25 at 26/F Tower One, Times Square, 1 Matheson Street, Causeway Bay, Hong Kong. On
26 information and belief, AGHL has additional offices in China at 969 West Wen Yi Road, Yu
27 Hang District, Hangzhou 311121, and 699 Wang Shang Road, Binjiang District, Hangzhou
28

1 310052. AGHL may be served through Corporation Service Company 1180 Avenue of the
2 Americas, Suite 210, New York New York, 10036.

3 5. On information and belief, defendant ALIBABA GROUP (US) INC. (“AG US”)
4 is a corporation organized and existing under the laws of the State of Delaware with its principal
5 place of business at 525 Almanor Ave, 4th Floor, Sunnyvale, California 94085. AG US may be
6 served through its agent 1505 Corporation CT Corporation System, 330 N Brand Blvd, Glendale,
7 CA 91203.
8

9 6. On information and belief, defendant ALIBABA CLOUD US LLC (“AC US”) is
10 a limited liability company organized and existing under the laws of the State of Delaware with
11 its principal place of business at 525 Almanor Ave., 4th Floor, Sunnyvale, CA 94085. AC US
12 may be served through its agent Corporation Service Company located at 251 Little Falls Drive,
13 Wilmington, DE 19808.
14

15 7. On information and belief, defendant ALIBABA.COM US LLC is a limited
16 liability company organized and existing under the laws of the State of Delaware with its
17 principal place of business at 400 South El Camino Real, 4th Floor, San Mateo, California
18 94402. ALIBABA.COM US LLC may be served through its agent Corporation Service
19 Company located at 251 Little Falls Drive, Wilmington, DE 19808.
20

21 8. On information and belief, defendant ALIBABA.COM US E-COMMERCE
22 CORP. (“ALIBABA E-COMMERCE”, collectively with AGHL, AG US, AC US, and
23 ALIBABA.COM US LLC, referred to as “Alibaba Defendants”) is a corporation organized and
24 existing under the laws of the State of Delaware with its principal place of business at 156 W
25 56th St 3rd Floor, New York, NY 10019. ALIBABA E-COMMERCE may be served through its
26
27
28

1 agent Vistra Incorporations (Delaware) Limited, 1013 Centre Road Suite 403S, Wilmington, DE
2 19805.

3 9. On information and belief, the Alibaba Defendants, and each of them, are for-
4 profit entities. On information and belief, at all times material hereto, the Alibaba Defendants
5 collectively owned, controlled and operated the websites at the URLs: www.alibaba.com (the
6 “Alibaba Website”) and www.aliexpress.com (the “AliExpress Website”), both accessible
7 throughout the United States and in this judicial district..
8

9 10. On information and belief, at all times mentioned herein, each of the Defendants
10 was the agent, servant, representative, employee, partner, and/or controlling person of the other
11 Defendants named herein, and in doing the acts herein alleged were acting as the agents for each
12 other.
13

14 JURISDICTION AND VENUE

15 11. This is an action for patent infringement arising under the patent laws of the
16 United States. This Court has jurisdiction over the subject matter of this action under 28 U.S.C.
17 §§ 1331 and 1338(a), 15 U.S.C. § 1121, and 28 U.S.C. § 1367(a). This Court has supplemental
18 jurisdiction over the remaining claims under 28 U.S.C. § 1367(a) at least because they are so
19 related to BWB’s federal patent claims that they form part of the same case or controversy.
20

21 12. This Court has personal jurisdiction over Defendants because, on information and
22 belief, Defendants conduct business in and have committed acts of patent infringement in this
23 District and has established minimum contacts with this forum state such that the exercise of
24 jurisdiction over Defendants would not offend traditional notions of fair play and substantial
25 justice. Defendants resides in this District. On information and belief, Defendants offers
26
27
28

1 products and/or services, including those accused herein of infringement, to customers and
2 potential customers located in this District.

3 13. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400(b). Defendants
4 reside in this District. Defendants have chosen to register as a foreign business in the state of
5 California or are directly formed under the laws of California, thereby receiving the benefits
6 offered to California business. Defendants must accordingly assume responsibilities to California
7 and its citizens.
8

9 14. Further, on information and belief, Defendants have offered and sold, and
10 continue to offer and sell, the infringing products and services in this District. On information
11 and belief, Defendants use, distribute, provide, sell, and/or offer to sell the infringing products
12 and services to consumers and businesses in this District.
13

14 15. On information and belief, Defendants are companies with global reach and
15 annual revenue in the billions of dollars. Defendants accordingly cannot reasonably claim it
16 would be inconvenient to litigate in the forum in which it resides.
17

18 **BWB’S UTILITY PATENTS**

19 16. BWB is the owner by assignment of the entire right, title, and interest in U.S.
20 Patent No. 10,460,366 (“the ‘366 Patent”), entitled “Commercial Transaction System,
21 Administrative Server, and Program,” which issued on October 29, 2019, naming Ryutaro
22 Nishiura as inventor. The ‘366 Patent was duly and legally issued and is still in full force and
23 effect. A true and correct copy of the ‘366 Patent is attached hereto as Exhibit A.
24

25 17. BWB is the owner by assignment of the entire right, title, and interest in U.S.
26 Patent No. 11,138,644 (“the ‘644 Patent”), entitled “Commercial Transaction System,
27 Administrative Server, and Program,” which issued on October 5, 2021, naming Ryutaro
28

1 Nishiura as inventor. The '644 Patent was duly and legally issued and is still in full force and
2 effect. A true and correct copy of the '644 Patent is attached hereto as Exhibit C.

3 18. BWB is the owner by assignment of the entire right, title, and interest in U.S.
4 Patent No. 11,776,027 ("the '027 Patent"), entitled "Commercial Transaction System,
5 Administrative Server, and Program," which issued on October 3, 2023, naming Ryutaro
6 Nishiura as inventor. The '027 Patent was duly and legally issued and is still in full force and
7 effect. A true and correct copy of the '027 Patent is attached hereto as Exhibit E.

8 19. BWB is the owner by assignment of the entire right, title, and interest in U.S.
9 Patent No. 11,776,028 ("the '028 Patent"), entitled "Commercial Transaction System,
10 Administrative Server, and Program," which issued on October 3, 2023, naming Ryutaro
11 Nishiura as inventor. The '028 Patent was duly and legally issued and is still in full force and
12 effect. A true and correct copy of the '028 Patent is attached hereto as Exhibit G.

13
14
15 **FIRST COUNT**

16 **(INFRINGEMENT OF U.S. PATENT NO. 10,460,366)**

17 20. BWB incorporates by reference the foregoing paragraphs of this Complaint as if
18 fully set forth herein.

19 21. On information and belief, Defendants have directly infringed and continue to
20 directly infringe one or more claims of the '366 patent, including at least claims 1, 2, and 8
21 thereof, in the state of California, in this judicial district, and elsewhere in the United States by,
22 among other things, making, using, providing, selling, offering for sale, and/or importing into the
23 United States products and services (or programs that provide the same) that practice one or
24 more of the inventions claimed in the '366 patent, including but not limited to Defendants'
25 computer systems for implementing the functionality described in Exhibit B, including
26
27
28

1 Defendants' computer systems accessible through the Alibaba Website and/or the AliExpress
2 Website for facilitating E-C transactions between at least two different economic zones (the
3 "Accused Instrumentalities"), as well as all reasonably similar processes and systems, in
4 violation of 35 U.S.C. § 271(a).

5 22. The Accused Instrumentalities satisfy all claim limitations of one or more claims
6 of the '366 patent. A claim chart comparing exemplary independent claims 1, 2, and 8 of the '366
7 patent to representative functionality of the Accused Instrumentalities is attached as Exhibit B.
8

9 23. By making, using, providing, offering for sale, selling and/or importing into the
10 United States the Accused Instrumentalities, Defendants have injured BWB and are liable for
11 infringement of the '366 patent pursuant to 35 U.S.C. § 271(a).
12

13 24. On information and belief, Defendants' infringement of the '366 patent was
14 knowing and intentional.

15 25. As a result of Defendants' infringement of the '366 patent, BWB is entitled to
16 monetary damages (past, present and future) in an amount adequate to compensate for
17 Defendants' infringement, but in no event less than a reasonable royalty for the use made of the
18 invention by Defendants, together with interest and costs as fixed by the Court.
19

20 26. Defendants' acts of direct infringement have caused and continue to cause damage
21 to BWB. BWB is entitled to damages in accordance with 35 U.S.C. §§ 271, 281, and 284
22 sustained as a result of Defendants' wrongful acts in an amount to be proven at trial.
23

24 **SECOND COUNT**

25 **(INFRINGEMENT OF U.S. PATENT NO. 11,138,644)**

26 27. BWB incorporates by reference the foregoing paragraphs of this Complaint as if
27 fully set forth herein.
28

1 28. On information and belief, Defendants have directly infringed and continue to
2 directly infringe one or more claims of the '644 patent, including at least claim 1 thereof, in the
3 state of California, in this judicial district, and elsewhere in the United States by, among other
4 things, making, using, providing, selling, offering for sale, and/or importing into the United
5 States products and services (or programs that provide the same) that practice one or more of the
6 inventions claimed in the '644 patent, including but not limited to Defendants' Accused
7 Instrumentalities as described in Exhibit D, as well as all reasonably similar processes and
8 systems, in violation of 35 U.S.C. § 271(a).
9

10 29. The Accused Instrumentalities satisfy all claim limitations of one or more claims
11 of the '644 patent. A claim chart comparing exemplary independent claim 1 of the '644 patent to
12 representative functionality of the Accused Instrumentalities is attached as Exhibit D.
13

14 30. By making, using, providing, offering for sale, selling and/or importing into the
15 United States the Accused Instrumentalities, Defendants have injured BWB and are liable for
16 infringement of the '644 patent pursuant to 35 U.S.C. § 271(a).
17

18 31. On information and belief, Defendants' infringement of the '644 patent was
19 knowing and intentional.

20 32. As a result of Defendants' infringement of the '644 patent, BWB is entitled to
21 monetary damages (past, present and future) in an amount adequate to compensate for
22 Defendants' infringement, but in no event less than a reasonable royalty for the use made of the
23 invention by Defendants, together with interest and costs as fixed by the Court.
24

25 33. Defendants' acts of direct infringement have caused and continue to cause damage
26 to BWB. BWB is entitled to damages in accordance with 35 U.S.C. §§ 271, 281, and 284
27 sustained as a result of Defendants' wrongful acts in an amount to be proven at trial.
28

THIRD COUNT

(INFRINGEMENT OF U.S. PATENT NO. 11,776,027)

1
2
3 34. BWB incorporates by reference the foregoing paragraphs of this Complaint as if
4 fully set forth herein.

5 35. On information and belief, Defendants have directly infringed and continue to
6 directly infringe one or more claims of the '027 patent, including at least claims 1 and 9 thereof,
7 in the state of California, in this judicial district, and elsewhere in the United States by, among
8 other things, making, using, providing, selling, offering for sale, and/or importing into the United
9 States products and services (or programs that provide the same) that practice one or more of the
10 inventions claimed in the '027 patent, including but not limited to Defendants' Accused
11 Instrumentalities as described in Exhibit F, as well as all reasonably similar processes and
12 systems, in violation of 35 U.S.C. § 271(a).

13
14
15 36. The Accused Instrumentalities satisfy all claim limitations of one or more claims
16 of the '027 patent. A claim chart comparing exemplary independent claims 1 and 9 of the '027
17 patent to representative functionality of the Accused Instrumentalities is attached as Exhibit F.

18
19 37. By making, using, providing, offering for sale, selling and/or importing into the
20 United States the Accused Instrumentalities, Defendants have injured BWB and are liable for
21 infringement of the '027 patent pursuant to 35 U.S.C. § 271(a).

22 38. On information and belief, Defendants' infringement of the '027 patent was
23 knowing and intentional.

24
25 39. As a result of Defendants' infringement of the '027 patent, BWB is entitled to
26 monetary damages (past, present and future) in an amount adequate to compensate for
27
28

1 Defendants' infringement, but in no event less than a reasonable royalty for the use made of the
2 invention by Defendants, together with interest and costs as fixed by the Court.

3 40. Defendants' acts of direct infringement have caused and continue to cause damage
4 to BWB. BWB is entitled to damages in accordance with 35 U.S.C. §§ 271, 281, and 284
5 sustained as a result of Defendants' wrongful acts in an amount to be proven at trial.
6

7 **FOURTH COUNT**

8 **(INFRINGEMENT OF U.S. PATENT NO. 11,776,028)**

9 41. BWB incorporates by reference the foregoing paragraphs of this Complaint as if
10 fully set forth herein.

11 42. On information and belief, Defendants have directly infringed and continue to
12 directly infringe one or more claims of the '028 patent, including at least claims 1 and 9 thereof,
13 in the state of California, in this judicial district, and elsewhere in the United States by, among
14 other things, making, using, providing, selling, offering for sale, and/or importing into the United
15 States products and services (or programs that provide the same) that practice one or more of the
16 inventions claimed in the '028 patent, including but not limited to Defendants' Accused
17 Instrumentalities as described in Exhibit H, as well as all reasonably similar processes and
18 systems, in violation of 35 U.S.C. § 271(a).
19
20

21 43. The Accused Instrumentalities satisfy all claim limitations of one or more claims
22 of the '028 patent. A claim chart comparing exemplary independent claims 1 and 9 of the '028
23 patent to representative functionality of the Accused Instrumentalities is attached as Exhibit H.
24

25 44. By making, using, providing, offering for sale, selling and/or importing into the
26 United States the Accused Instrumentalities, Defendants have injured BWB and are liable for
27 infringement of the '028 patent pursuant to 35 U.S.C. § 271(a).
28

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure BWB hereby demands a trial by jury of this action.

Respectfully submitted,

Dated: November 15, 2023

By: Michael A DiNardo
Michael A. DiNardo
mdinardo@yklaw.us
YK Law, LLP
445 S. Figueroa St, Suite 2280
Los Angeles, CA 90071
O: (213) 401-0970
F: (213) 529-3044
Attorneys for Plaintiff BWB CO. LTD.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28