

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BAD VIBES FOREVER, LLC,

Plaintiff,

v.

THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No. 22-cv-00285

**Judge Matthew F. Kennelly**

**PRELIMINARY INJUNCTION ORDER**

Plaintiff BAD VIBES FOREVER, LLC (“BAD VIBES”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS BAD VIBES’s Motion in part as follows.

This Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered January 21, 2022, [16] (the “TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, BAD VIBES has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller

aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of BAD VIBES's federally registered trademarks, which are covered by U.S. Trademark Registration Nos. 5,654,600; 5,771,321; and 5,627,992 (the "XXXTENTACION Trademarks") to residents of Illinois. In this case, BAD VIBES has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using counterfeit versions of the XXXTENTACION Trademarks. *See* Docket No. [12], which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the XXXTENTACION Trademarks.

This Court also finds that the injunctive relief previously granted in the TRO should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of BAD VIBES's previously granted Motion for Entry of a TRO establishes that BAD VIBES has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that BAD VIBES will suffer irreparable harm if the injunction is not granted.

Specifically, BAD VIBES has proved a *prima facie* case of trademark infringement because (1) the XXXTENTACION Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the XXXTENTACION Trademarks, and (3) Defendants' use of the XXXTENTACION Trademarks is causing a likelihood of confusion as to the origin or

sponsorship of Defendants' products with BAD VIBES. Furthermore, Defendants' continued and unauthorized use of the XXXTENTACION Trademarks irreparably harms BAD VIBES through diminished goodwill and brand confidence, damage to BAD VIBES's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, BAD VIBES has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
  - a. using the XXXTENTACION Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine BAD VIBES product or not authorized by BAD VIBES to be sold in connection with the XXXTENTACION Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine BAD VIBES product or any other product produced by BAD VIBES, that is not BAD VIBES's or not produced under the authorization, control, or supervision of BAD VIBES and approved by BAD VIBES for sale under the XXXTENTACION Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of BAD

VIBES, or are sponsored by, approved by, or otherwise connected with BAD VIBES; and


- d. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for BAD VIBES, nor authorized by BAD VIBES to be sold or offered for sale, and which bear any of BAD VIBES's trademarks, including the XXXTENTACION Trademarks, or any reproductions, counterfeit copies, or colorable imitations.
2. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
3. Upon BAD VIBES's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as ContextLogic Inc. d/b/a Wish.com ("WISH"), (collectively, the "Third Party Providers"), shall, within five (5) business days after receipt of such notice, provide to BAD VIBES expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:
  - a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
  - b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying

information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and

- c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, WISH, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
- 4. Upon BAD VIBES's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within five (5) business days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the XXXTENTACION Trademarks.
- 5. Any Third Party Providers, including WISH, shall, within five (5) business days of receipt of this Order:
  - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Exhibit [X] to the Declaration of Robert A. Celestin, Esq., and any e-mail addresses provided for Defendants by third parties; and

- b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.
6. BAD VIBES may provide notice of the proceedings in this case to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Pleadings, this Order, and other relevant documents on a website or by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Robert A. Celestin, Esq. and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of "2814218764 and all other Defendants identified in the Operative Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.
7. Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Robert A. Celestin, Esq. [12], and the TRO [16] are unsealed.
8. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
9. The \$10,000 bond posted by BAD VIBES shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:

  
Matthew F. Kennelly  
United States District Judge

Dated: 2/4/2022

**Schedule A**

<b>No.</b>	<b>Defendant</b>
1	2814218764
2	2011 fashion clothes
3	2017 alan cool
4	2017discount store
5	2017friendship store
6	2017Happy shop
7	2018happyshop
8	2019zhoucanhuastore
9	987 Hooligans FC
10	abbc6556565fds65
11	AddisonNoeloKcP
12	adfhhjgasd
13	adhajdgadjadgadjj
14	adolfszhrigbx3
15	Aeneyin beddings
16	africano
17	agardy
18	agdhqyqwuiwjdbasdn
19	agfd2345azx
20	aiepbmshop
21	ajhbwnppth
22	alan clothing store
23	ALANY
24	Alaonger Bags
25	AlbertaElroyeVIO
26	All friends business
27	amall
28	Amanda Conger
29	Amanda Diaz
30	AmiraCrites
31	Amitata
32	amusing T-shirt
33	An Tangwei's ceramic shop
34	ANJ0C7O2P
35	anliquan9389
36	anlu7415
37	ANLYCHEU
38	anmin123
39	Annie Walton
40	Annieiei
41	ANNIJS11
42	Antonio Copeland



43	Aoalygiver Toys
44	Arena Theatre
45	Arterasu
46	artlingt
47	ARTRT
48	ashbrookbohkans
49	aslpemhdu
50	axfordd113
51	b78ij988
52	baobinhmai53418
53	baotianrui
54	baoyulian48507
55	bathythermogram
56	Baybaywewe
57	bazawp
58	Bearlily Skincare
59	Beibaisel Coat
60	besthome65
61	BetsyGilesvEqXx
62	BEWELL
63	bezmrqzeen
64	bielvegfdt
65	Bienjiesiys coats
66	BigMana
67	BillLevimSvQjU
68	Bishop and Young
69	biweizhijia
70	bixofjqsn
71	bmrqvkysz
72	Bnnhjkbvnnvnnncbbcbhvcc
73	Bodegón 2022
74	BoutiqueHouse
75	bo-xiema
76	Brelan Lanham
77	Britobias
78	buiguanqun123
79	Business and trade KID
80	c6c6c6w8
81	CaesarJuliaqPtEbN
82	Cafe Ba-Ba-Reeba99
83	cai qi chao
84	caihong17274
85	caijieshop
86	caipingwei Store
87	cangwujknagl

88	carbобензоxygroup
89	CarlJoanvRkZ
90	Carolina.H.H
91	Catholic Charismatic Center
92	Catshop.vicky
93	cccstore
94	cdff301
95	CEMYAS-635
96	Cencayery Bags
97	CENDEMEILL
98	cenguohuheyu
99	cenxiudangying
100	cerftg
101	cetrdg
102	Cfayn
103	cfchd
104	cgg65465
105	Chainnn
106	chayouxian Store
107	chen_jin
108	chenaiping6693
109	chenbeibei 552018
110	chenchungui20207
111	chenderong7226
112	chenfeiping
113	chenflynn
114	chenglih
115	chengqingxiang920
116	chengguanghui Store
117	chengxiaohui03202
118	CHENGXIAOYONG0518
119	chengxinkai29913
120	chengyongdong24678
121	chenjieshop
122	chenjinghua88800
123	chenlin10263
124	chenqiu66058
125	chenshuai77188
126	chensijia97888
127	chentingting1024
128	chenxieyang
129	chenyanan85
130	chenyelin1123
131	chenyong235
132	chenyouliang1453

133	chenyuan32
134	chenyuxiu666
135	chexixnhey
136	chhui
137	chijinhao9815
138	Chris Rogow
139	ChuangzhongmeilanpGt
140	chunjie online
141	Chxjchvgfjvhfhhbvvggvbchv
142	ciel store
143	Cienryden Baby's
144	cjdhs555
145	Cleveylily jackets
146	Cloud Hao Store
147	congshaoxuan125
148	corbet471meb8x
149	cpbaskjdhbzxi
150	cpitut9shop
151	cu8euhbt
152	cudongxiufeng
153	cvdfgc
154	cvkdhbv
155	cwkzhshiaszx
156	d4f5f5
157	Daboxun
158	DaGuoGuaLing
159	daicaihong1967
160	daijuan Store
161	dainannan7342
162	Danielaga
163	DARCIE78
164	Debriyren Bedclotehs
165	Deileishuer cots
166	denghonger
167	DerrickRobindXw
168	dexiaojiapin
169	dhjsahdkja
170	DIAMONDSwd
171	Dianahsdbc166
172	Diane Marvin
173	dindDNndc
174	Dingjinhua66059
175	dingzhiqiang55289
176	dioashdoia
177	Distractive

178	Dkaii
179	dkffcoynk
180	dmocmeufi
181	Donafgfgjhd168
182	dongchengde
183	dongchichi3183
184	dongnanxibei
185	douding123456
186	dqwrewf
187	dsdwkkvpa
188	Duanliuliu78523
189	duanning Store
190	dugaoxianpai
191	dujanweheuy
192	Duodownby Pants
193	Duoqingzishao
194	dureelzkehhl
195	duweijun1900
196	duxuizhaopai
197	ebupeatarfan
198	EDCG
199	Eddiestore66
200	Elnitra woods
201	ElvaUptonlDwWiP
202	engermarcu
203	eqcce7py1e1k
204	etrks
205	Evelley Nastak Polate
206	f5r5rr
207	F6F6F65F
208	Fadyer
209	fanchengbing81790
210	fanggongzi66
211	FANGWEN2019
212	Faremer Hugur
213	Fashion Shopping store
214	fashiongirl7
215	fbafeifei18886
216	fcdsfs
217	FcSWew
218	fdfjodsud
219	fdsfgfdssa
220	Feeling2017
221	fefdc
222	feiqichao21749

223	Felicia Kenney
224	fengjinliang9691
225	fengmiao
226	fengrui Store me
227	Fengyan66058
228	fenpenlheyra
229	FFE6E6RR
230	FFFEE6E6
231	fhit
232	fiskyrjjs
233	fjweioajgmekmioerteg
234	flalksdhmxn
235	Frاند MIN bailet huirun
236	Frederick Crook
237	fretg
238	Fronckmastro
239	fsaa
240	fuchenggang4754
241	fuejewer
242	fukangkejyouxiangongsi
243	fuliande199506
244	fuyujie
245	g6g6g8g
246	g8g6f57g7
247	Gainings
248	Galerprises
249	gaojinrou56566666543
250	gaosuwei5467