

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

BAD VIBES FOREVER, LLC,

Plaintiff,

v.

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

Defendants.

Case No.: 1:22-cv-00413

Judge Gary Feinerman

Magistrate Judge Jeffrey T. Gilbert

**PRELIMINARY INJUNCTION ORDER**

Plaintiff, BAD VIBES FOREVER, LLC (“BAD VIBES” or “Plaintiff”) 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’ Motion as follows.

This Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered January 31, 2022, [17] (the “TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds 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' 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. [14], 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' 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' 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' 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' 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' 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' request, those with notice of this Order, including the Third-Party Providers as defined in Paragraph 3, 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 2 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 "wanghaiyan123231 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. [14], and the TRO [17] 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:

A handwritten signature in black ink, appearing to read "G. Feinerman", written over a horizontal line.

Gary Feinerman  
United States District Judge

Dated: February 14, 2022

**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	wanghaiyan123231
2	wanghao90151
3	wanghuany
4	wanghuimin19961120
5	wangjianping1475
6	wangjiao123456789
7	wangjiaxin23
8	wanglianjun1314
9	wanglifeng123
10	wanglina55008
11	WANGLINMEI
12	Wangmin12345
13	wangming9596
14	wangminhai
15	wangpeilin
16	wangpengyi55329
17	wangruize4457
18	wangshengping2375
19	wangshuling1
20	wangshuo47445
21	wangsiqi00564
22	wangxi7324
23	wangxuefeng666
24	wangxun123
25	wangyaru9003
26	wangying369
27	wangying4645
28	wangyiyian1314
29	wangyongqii
30	wangyuan1234
31	wangyumei999666
32	wangyusheng15202
33	wangyuxiu1234
34	wangzhenzhen4029
35	wangzhiyuan58352
36	wangzhuo8564
37	wansuigangji
38	wanxianzongqin
39	Wdrjeksfr698234

40	wedesign
41	weiguangsunge
42	Weiteifoumi Gifts
43	weiyuexiao1314
44	WenzhaosiluhS
45	Wevouiery Bedclothes
46	wfh36
47	wfh38
48	wfh40
49	WGHZ Team
50	Whirlpool Industries
51	Windyday Quilts
52	wjlin123456
53	wqangguolonger
54	wqhhtdnbl
55	Wtingyy
56	wuahi fashion
57	Wuchunping123
58	wucuiganyin
59	wudanggaoqiu
60	wudankanqiu
61	wudepeng
62	wueirotp
63	wuhaiyao15112
64	wuhuangqiu
65	WUhuazhen949
66	wuhulongtinyi
67	wujiawei7028
68	wujiuhuai
69	wupeng Store
70	wuqiuzengqian
71	wuwenjie4513
72	wuyanquan865
73	wuyulunbisun
74	wuzhongye
75	WXF11
76	wyodahey
77	xcsdadqwd
78	xgplkzfok
79	xiabolin2266
80	xiahongjie83854

81	XianqiangshangJ
82	xiaojian2736
83	xiaomingming84427
84	xiaoxing1582
85	xiaoya Store me
86	xiaoyuchun fashion
87	xiaqianwen168668
88	xiashulin9748
89	xiatianhuakso
90	xieliang fashion
91	xiexinyu1134
92	xihaofuyueyin
93	Xilaigthy Danceclothes
94	xinqi1314520
95	Xinye ladies shop
96	xiongqian242
97	xisishiye
98	xiuen
99	xiushuizhilishang
100	xizhiwen2289
101	xolbi
102	xuchuhan6281
103	xuedandan2049
104	xuejun88
105	xueqian629
106	xueqiao;;
107	Xuezhiqing
108	xujie010819
109	xujjxishu103902
110	xujun92547
111	xukang7914
112	xukangli6563
113	xumeidan4565489
114	xushenglong0197
115	xuyanting4269
116	xuyuehui3214
117	xuyulongh
118	xx54yy
119	yajiachha
120	yanbujiu7498
121	yanchunyu008

122	YanfentaolurAs
123	yangchangyu1234
124	yangchao254
125	yangguilan0239
126	yanghuchen8839660
127	yangkaiting8270
128	yangling14725
129	yangmengyu55009
130	yangna8349
131	yangqilin
132	yangruize63726
133	yangshangang13169
134	yangshuo5496
135	yangtianxing09884
136	yangting3695
137	yangxiaomo7649537
138	yangxingyu2219
139	yangxiuni1314
140	yangyang258
141	yangyh1976
142	yangyubin7890
143	yangyue702566
144	yangyuzhen8807
145	yanigjidusxl
146	yanxuepeng54544
147	yanyingzhao Store
148	yanyu8880
149	YaoJieRu
150	yaoshun8866
151	yaoyi49341
152	yaozhenliang895
153	YebeishanbD
154	YHCSZ
155	yhyanjkas
156	Yieryzaihan Bedfits
157	yilongzipper
158	yingshiyuanu
159	yinruhnyun
160	yinxiaoyiao
161	Yong Lei Technology
162	Yongchang business

163	ytoed17d8f
164	yu_100516@163.com
165	yuanfenxie00
166	yuanxiaoxue666
167	yuanzengwen8835
168	yuchongw
169	yuebushinio
170	Yueyouhe
171	yuge1234
172	yuwanting30727
173	Yuweida
174	yuyan5028
175	yuyang1314520.a
176	yuzhou fashion
177	YYYTT9T9
178	zebezhech
179	zengqunqun
180	zhangaoxiulan
181	zhangbin1426
182	zhangbobouuh
183	zhangchaoyu9625
184	zhangcheng8564679
185	zhangfanghua698
186	zhangfengqi123456
187	zhanghaitao7890
188	zhanghui Store me0071
189	zhanghuong
190	zhangjinhui26735
191	zhangjinting123
192	zhangjunyuan4469
193	zhangkai001
194	zhangmengge73353
195	zhangmenghan32680
196	zhangminer
197	zhangning2
198	zhangqiyue977
199	zhangshuting74974
200	zhangsong373664
201	zhangxiaofeng135
202	zhANGXIAOJINGG
203	zhangxiatong Store

204	zhangxinning6329
205	zhangxinyi Store
206	zhangyang8828
207	zhangyueyue0127
208	zhangzerui
209	zhao98fgy
210	zhaobingbing86276
211	zhaochunsheng4645795
212	zhaojiangqian Store
213	zhaojing159357
214	zhaoshefeng56234
215	zhaowenqian80301
216	zhaoxue1224
217	zhaoyu47474
218	zhaoyueg
219	ZHAOZHUIJUNDS
220	zhapmengyuan44705
221	zhengjie07313
222	zhengshan Store me
223	zhengshuyu1983
224	zhengxiaolong fashion
225	zhengyu5684658
226	zhenxinmian
227	zhonglunbo1457
228	zhouchunqiao
229	zhoujiabao82925
230	zhoupengxuexiaocun
231	zhouqingsu6600
232	zhouyushop
233	zhouzhenhay
234	zhuangxiu fashion
235	zhuangzhouzahuodianpu
236	zhuangzhouzahuopu
237	zhuchaoqun1990
238	zhuguifan0209
239	zhujiazheng2319
240	ZhuokongfuleiyMi
241	zhupei fashion
242	zhupingjing1791
243	zhuyinan0407
244	zhziyoux

245	zipengdaoyue
246	Zixixianzivip
247	ZongzhaochenggJ
248	zoubingpeng
249	zuguoXianheya
250	zymaisdunaiusbD