

**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-00449

Judge Andrea R. Wood

Magistrate Judge Sheila M. Finnegan

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 February 2, 2022, [17] (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, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) the identity and location, including contact information, their true name and physical address, and all associated e-mail addresses, of Defendant; (b) the nature of Defendants' operations and all associated sales, including, without limitation, identifying information associated with the Internet Stores of Defendants, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history; and (c) the steps taken by Defendants to comply with paragraphs 1, (a)-(d) above.
3. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
4. 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 three (3) 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).
5. Upon BAD VIBES' request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within three (3) 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.

6. Any Third Party Providers, including WISH, shall, within three (3) 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.
7. 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 Complaint, 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 "gaoxuca0130 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.
8. Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Robert A. Celestin, Esq. [12], and the TRO [17] are unsealed.

9. 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.
10. 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 "Andrea R. Wood", written over a horizontal line.

Andrea R. Wood
United States District Judge

Dated: February 16, 2022

Schedule A

No.	Defendants
1	gaoxucai0130
2	Geanerying Cream
3	Geivencler Bags
4	geshaolin19502
5	gfhfhfdx
6	ghf321
7	ghh~yyy8
8	giofjJHp45
9	Givmistroes
10	Goldtronglasses
11	gongan93
12	gongyixilie
13	gouguayi9
14	GQQbaihuo
15	Granfred
16	Greatleterfuly
17	gshshywfgw
18	gskajbsdauiz
19	gtgyrt
20	guangzhou hat
21	guanming fashion store
22	guanpengpeng01620
23	guanweixin8936
24	guanxi007
25	guheming12775
26	Gulack Tingshuo Hebe Orange
27	GULUCK BUDANA LUTINEY
28	guofang6002
29	guoguangfeng8978
30	guoqianqian52828
31	guorui71320
32	guoshichao55104
33	guowei3859
34	guoxiashop
35	gushilong0838
36	gutkowskiariel517
37	gyiajshdaibzx
38	Haberber Bibs
39	haichangzai15100
40	HaleyElijahoJdKh
41	haleywehner2354
42	Handcrafts house

43	Hannghghjg
44	hanxiangsheng
45	Hanzhagen4161
46	Harris Hernandez
47	HBN2WQ34
48	hdiwliu87h
49	hdjdbbd
50	HeatherKimberleyHcX
51	Hecaery Baby's
52	hedacheng fashion
53	hehao65399405
54	Helena Lease
55	HelenStanfordoCuOuH
56	hemengying49
57	Hepeijuan5522
58	herui123
59	hetheyb
60	HeTianFu2001
61	hexiaohong90461
62	hexiaolu19
63	hezhenze5135
64	hezhixiong888
65	hgdij123
66	hhynny
67	Hibrox
68	hj680
69	hjftuiurtytr
70	hjhh2020
71	Hogganmax
72	holleuwffk
73	honruifeit
74	Honth Store
75	Hoshis
76	hotmall clothing
77	houranran55007
78	hqrkzklpd
79	hruix
80	hsj20200520
81	htas21
82	hualiuying81412
83	hualushaa
84	Huang Yunfu370
85	Huangbin123
86	Huangdapeng8861
87	huangjiahui95691

88	huangqinghua13258
89	huangxueying7890
90	huanwuse2
91	huchaojin2134
92	hujing269
93	Humengmeng25536
94	huoyimian4112
95	huyipingping
96	hwangfean
97	hyongfeng
98	i5i5i5i6
99	ico3
100	IJHJFUYHU
101	iodoprjrt
102	ioklu
103	Isissextape
104	ivan Zoll
105	ives05yj23qon
106	J5J5K5
107	J6K6
108	JamesAnseltYsLr
109	Jamillah
110	JasonHaroldvLmHgT
111	JerryFannypFdGoN
112	Jewelry Maker Market
113	jiagangjian2432
114	jiakuan0202
115	Jiang you112700
116	jianghongxiao91780
117	jiangshuiweibo
118	jielong0634
119	Jienoer toothbrush
120	Jiessie Costume Store
121	Jieuroyoy sticker
122	jihonghu29551
123	jingcizhihz
124	JingketunpV
125	jingliangliang
126	jingsunjie6546
127	jinxiaoyan002
128	jinxiauwuan Friday
129	jinyuandan
130	jinzhicheng55210
131	jinzhipeng6982
132	Jisnweprite

133	jiuniuyimaoyu
134	Jkkijp
135	JOHNNY11
136	JONG DISTTHI
137	Joshua Clark
138	Joyce Banks
139	Jubebn Plant sive lapeky
140	juezhantianliang
141	JuliusAndrewuCuNk
142	jungemoyang
143	Juzixiang Skincare
144	k56saa
145	kaia
146	kaihekiaghe520
147	Kaijia electronic digital
148	kailongdinji
149	kaixingouwu20181
150	kakadm
151	kangbifeng
152	Kangshengquan114712
153	kdxinheart
154	keanqequ3i2b
155	Kerwifry Beddings
156	KEWLLMUOIKQTM
157	Kheiowu
158	KidsMart2
159	KK533
160	KKKERR8
161	kongfeil119
162	konglinfeng6736
163	kongxins
164	kopwiwezki
165	koujhjy
166	kouninsjing
167	kpdoak;ldk
168	kudongqiufu
169	Kuizo
170	KyleRichardxNhCo
171	Ladytaolley combs
172	Lalaneya Albright66
173	lanlinghui1230
174	Lansl
175	laseloec
176	lawrencebt22rm6
177	lbinz

178	ldiwhdqp
179	led-light-mall12
180	leihailing123
181	leiqinglong
182	LEIY
183	leizhang special
184	lengzixin8720
185	LeopoldMichaelqEbQ
186	Leshizhui
187	Letter Nana Ouran Store
188	LewisWinnijZhUi
189	leylanhickman61385709
190	Li Peng commerce
191	liangjianmei66058
192	liaoduzhi9734
193	lichangqing1134
194	LiChunLian
195	lidan7321
196	lidinahey
197	lienkietdoan29505
198	lifang123456
199	LIFANGZ
200	lifei611
201	lihana
202	Lihaoery Bedfits
203	lihongyinger
204	lijiangjun6868
205	lijiawei55033
206	lijiaxing4477
207	lijienan254
208	lijinshuang1258
209	lijjianbing25800
210	Lijungoodsstore
211	likunlun
212	lilin2
213	liming2687
214	limingh
215	limingqing7890
216	Lincamestrons
217	Linfa6376
218	linfei60058
219	Linglini
220	linhaling
221	linsuruo9833
222	linwanchao1583

223	linyu49960
224	liojingzi
225	Lirq123
226	liruihuan1134
227	liruilin147258
228	Lisa Colvin
229	lishangzhiping
230	lishanshan133
231	lishuying888
232	liting12345
233	Liu qinglan's shop
234	liuankang6092
235	liude's shop
236	LIUDONGLAN888
237	liufenfeng
238	liufengliao 123
239	liuhaie2147
240	liujian2224
241	liujin7845929
242	LIUJINX
243	liujunqi fashion
244	liujunqing;l
245	Liukaifang668
246	liuleil
247	liuliuyaoyao
248	liumei6346
249	liumin4580
250	l-y-ming