

**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.

No.: 22-cv-00414

Judge Franklin U. Valderrama

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, the Court GRANTS BAD VIBES’s Motion as follows.

The Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered February 1, 2022, R. 17 (the TRO), and Federal Rule of Civil Procedure 65(a)(1).

The Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants based on Plaintiff’s un rebutted assertions that 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* R. 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.

The 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, the 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, methods of payment for services and financial information, 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'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 ten (10) 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 ten (10) 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 ten (10) 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 the 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 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 "Li_hui meimei 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. The Clerk of Court is directed to unseal Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Robert A. Celestin, Esq. [12], and the TRO [17].
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 \$10,000.00 bond posted by BAD VIBES shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

Date: 2/11/2022


United States District Judge
Franklin U. Valderrama

Schedule A

No.	Defendants
1	Li hui meimei
2	liupanpang
3	liusibo03870
4	liutian666
5	liuwenweng
6	liuxiaowan666
7	liuxige
8	liuxihua2463
9	LIUYUAN6908
10	LIUYUCHAO
11	Liwancheng666888
12	liweiheng
13	liweihong9389
14	liweijieg
15	lixia trade
16	lixiang54698
17	lixiaofengo
18	lixiaole2143
19	lixiaoyingg
20	lixiaishop0910
21	lixux
22	Liyang123456
23	liyang82383
24	liyue1221
25	liyuonyuon
26	liyutingl
27	liyuxin997
28	liyuxiu48520
29	lizhch
30	lizhuokun92243
31	lj1211700437
32	lodivhjtg
33	lomg7734
34	lomhsjiemng
35	longchengaizha
36	Lopezstores
37	loughbsgae
38	loveaugust
39	lpphdpshop
40	lqvzmtzke
41	lu shan228
42	luang83040

43	lucky glil
44	luiuhao
45	luizijun12345
46	lujizong030
47	Lujuyoupc
48	lulijuan4428
49	luoqi4455
50	luorenbin8888
51	luornpeng
52	luoxiaolong19950408
53	LUPINGJIANG2501
54	lurongsuo
55	lvpin Store
56	lvxh
57	LVYUYING01
58	lxuqiang
59	mabo fashion
60	mafanglin92367
61	mafangqi8280
62	mafengqin159357
63	MagKerrfJeTz
64	mahui5213
65	Maizai Underclothes
66	maliner
67	MALING998
68	mallenan
69	Manduo Fashion
70	Mansgeren anmoyi
71	manshichunqiu
72	maofeng Store me
73	maofucui552
74	maojunping
75	maolong161
76	Marjorie D Blount
77	MartaOrtizssa
78	matteoantho
79	maxiaochao64316
80	maxin1014
81	MAXJI
82	mayongzhen
83	meilei1
84	Meinrwiny mask
85	meitengdeng19
86	Melanie Lewis
87	memgmengzezestore

88	mengang62
89	Mengli yingzi form locely marrydom
90	MengsongduizZb
91	mengxeng94
92	miaomiao8868
93	miaoyongxin707
94	MichaeliaNickaGsFrQ
95	Michel Beka
96	MiColorr
97	midnightdisplay
98	Military music business
99	MIN TANST
100	mingzhik
101	miqiloa
102	MIRROR.Store2035
103	mjun
104	mlhesjc bwhijdqrzo
105	mlingy
106	mmnnbbvvaa
107	Molibabao Inner
108	Montene Trimback
109	MooreBertzNgBpD
110	Motionrover
111	mqkiwqncshop
112	MR.YIDI
113	MrZhou1970
114	Msjakjgheru37823
115	msyuandian
116	Muwondei Bedclothes
117	Muyiebybi Shoes
118	myselfs
119	n2n2n2
120	n4urikp
121	nanqiao
122	NaoxunzhuoeJ
123	nasi1025
124	Newjueshi Baobei
125	ngochangphan49564
126	nguonsigh
127	nicholsonite
128	NicoleBessfHgG
129	nijuan0735
130	nikolauslashon
131	Ninaken
132	Ninayou

133	ningxiao
134	niujunhui123
135	niuliang4664466
136	NomNom168
137	NON BUOE TURNRAIT
138	Norma Herrera
139	nuanyangfeng
140	nzv57
141	ojjgbn supper-market
142	olbiuh
143	Omega Allies
144	orbitalwtnirdp
145	osienuhrbn
146	Ouapady Underwear
147	ouluxia
148	ousg
149	Ouzhake Nut
150	pangzhaoou1
151	panliuming fashion
152	panzi1010
153	PATRICIA MOHON
154	pedlllzvte
155	Pedro Zavala
156	Philipp Cuny
157	PhoebeJoshuaAfAID
158	piaoxiudongning
159	Pingprice shoes
160	PJH fashion
161	Plilmee
162	plinegrcd
163	plumulaceous
164	Pop Clancys
165	poqssf
166	Postmodern Life
167	pouiondking
168	puyaer1
169	Qaphsiel
170	qiaocaijia0
171	QiaocuzhipVk
172	qiaodan1369
173	qiaohefei
174	qihaoyu
175	qiliyuhey
176	qingclothing
177	qingkongjklaf

178	qingqing50767
179	qinqingdelai
180	qisongkangyi
181	qiumenghong310424
182	qivjvr
183	qnlz37
184	qowenhui
185	QQ656SQ
186	QQQ6W56WW
187	quanhaining
188	qucuilong199
189	QuentinCharleskHfS
190	qujia's shop
191	qwe3
192	QWQQ6
193	RalapEvanjDjD
194	RandolphMartinjUtQz
195	ranjiahao6512
196	Ranputong
197	REALS SAT
198	renpoyi6
199	renqingsong
200	rhondagraham305
201	Rod Boboth
202	RodAlvatXkXl
203	RoryCharlottedPsN
204	Roxy15
205	Ruben Alvarez
206	sadasdasdqw
207	Samantha Hartman
208	SamanthaSusanaQfSf
209	Sammydress
210	sangyuanji84983
211	sanyijia
212	sarai2306
213	SaturdayShopping
214	sauwuerjhf
215	scheetzjames
216	schuierden
217	sd7hg89sdkgh
218	sdyy
219	Sean Fast Tax
220	Serita Whittington
221	seteesilp
222	sguunb

223	Shdayong
224	shdjkhadjkwghdjdhj
225	shegirl5831
226	sheng shi
227	shenshiyan
228	shenxinxing0828
229	SheriParker
230	Sheyenne Perla
231	shining city
232	ShitanshaoyuansAn
233	shitutandang
234	shiying163
235	SHOPYUHUI
236	Show business
237	shuangshishengshen
238	shudingyun1079
239	shulingjiu
240	shungliming
241	shuo2016
242	sievertaidan
243	siyan583
244	smotoezupnrd
245	Snow red business
246	songge18963589
247	songguangq
248	songguicai123
249	Songmingjiang5522
250	Songyangyang456