

**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-00785

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’ Motion as follows.

The Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered February 23, 2022, R. 15, (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' 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' 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, 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' 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 Alipay US, Inc. and its related companies and affiliates

(Alipay), (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, Alipay, 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 Alipay, 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 "00000011 Store and all other Defendants identified in the 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 [15].
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: 4/6/2022

  
United States District Judge  
Franklin U. Valderrama

**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	00000011 Store
2	006 Store
3	06 Anime clothes Store
4	100% cotton 02 Store
5	100% cotton 12 Store
6	100% cotton 18 Store
7	100% cotton 20 Store
8	100% cotton it T-shirt A Store
9	100% cotton it T-shirt S Store
10	100% cotton it T-shirt Store
11	100% cotton T-shirt 005Store Store
12	100% cotton T-shirt 037 Store
13	100% cotton T-shirt 133 Store
14	100% cotton T-shirt 134 Store
15	100% cotton T-shirt 136 Store
16	100% cotton T-shirt 15 Store
17	100% cotton T-shirt 183 Store
18	100% cotton T-shirt 38 Store
19	100% cotton T-shirt 39 Store
20	100% cotton T-shirt 44 Store
21	100% cotton T-shirt 49 Store
22	100% cotton T-shirt 54 Store
23	100% cotton T-shirt 59 Store
24	100% cotton T-shirt 76 Store
25	100% cotton T-shirt 82 Store
26	100% cotton T-shirt 84 Store
27	100% cotton T-shirt 86 Store
28	100% cotton T-shirt AK Store
29	100% cotton T-shirt AQ Store
30	100% cotton T-shirt AS Store
31	100% cotton T-shirt BN Store
32	100% cotton T-shirt FBN Store
33	100% cotton T-shirt II Store
34	100% cotton T-shirt LA Store
35	100% cotton T-shirt LK Store
36	100% cotton T-shirt MX Store
37	100% cotton T-shirt SD Store



38	100% cotton T-shirt SF Store
39	100% cotton tshirts 000888 Store
40	100% Cotton T-shirts 30 Store
41	100% cotton T-shirts 49 Store
42	100% Cotton T-shirts A Store
43	100% Cotton T-shirts RR Store
44	100% Cotton T-shirts X Store
45	100% Cotton T-shirts Z Store
46	100% cotton tshirts..... Store
47	100% T-shirt yy Store
48	11 clothes Store
49	1234786 Store
50	131781316382 Store
51	1542103607 Store
52	1AM SHOP
53	21 hours Store
54	21888 Store
55	3DT shirt store Store
56	412 Store
57	418 Store
58	6 Bo Store
59	666 Clothes Store
60	666888 T-shirts Store
61	667788 Store
62	889898989 Store
63	8H Store
64	9 Day Store
65	911707110 Store
66	A new beginning Store
67	a shirt Store
68	A shop specializing in men's shirts Store
69	A small shop like a small shop
70	A Speciall You Store
71	A0001 Store
72	A-354 Store
73	A364 Store
74	A365A Store
75	A8899 Store
76	ABINGTXU4 Store
77	A-Coolest Store
78	AET STARK Store

79	Ah-mee Sunglasses Store
80	Ajiu Hat Industry Store
81	AK001 Store
82	AK003 Store
83	AK115 Store
84	AK-13 Store
85	AK-2 Store
86	All Printed Clothes Factory Store
87	All Too Well Store
88	allhat Store
89	alohahejahe9 Store
90	Amoy baby Store
91	Amy's Factory Store
92	An Ingenious Tees Store
93	AN NI 998 Store
94	Animation world life Store
95	Anime Clothes Factory Store
96	Anime Design Factory Store
97	Anna Bags Store
98	Anonymous-YI Store
99	ao kezhi Store
100	A-S8887779 Store
101	A-Streetwear Store
102	asyl53 Store
103	Attt7879 Store
104	Ayr Trend Store
105	Ayrbao Drop Ship Store
106	Baby Boutique Store
107	Baby Teetee Store
108	BABY to TEEN Store
109	Bai_BestFashion Store
110	baidichengTwooo Store
111	bandstee Store
112	bao ma8 Store
113	BAOLIWEN Store
114	Beautiful boys girl clothes Store
115	Beautiful Hanabi Store
116	Beautiful Streetwear Store
117	Beautiful T-shirt AB Store
118	Beautiful T-shirt AC Store
119	Beautiful T-shirt AJ Store

120	Beautiful T-shirt AS Store
121	BenHiroshi Store
122	BestMoney Store
123	Black and white manifesto flagship store
124	Black shop 123 Store
125	BOBOman Store
126	Bookger Store
127	Boutique No. 12 Store
128	Boutique No. 7 Store
129	Boutique No. 9 Store
130	bptczmy Store
131	Buna Store
132	Burgess Store
133	BUSTEDTEES2 Store
134	CAII T-shirt Store
135	caocaocao8888 Store
136	Casual Colourful 168 Store
137	chaoliu666666 Store
138	Chaoliu-A Store
139	charlene's Factory Store
140	Cheapest Clothes Store
141	chenbao Store
142	chengxinfushi Store
143	chengxinyingtianxia666 Store
144	Children Tooties Store
145	china dropshipping-01 Store
146	China Hoodie factory Store
147	China NO. 1 Factory Store
148	Chinatown Dropshipping Store
149	Chinese clothes supermarket Store
150	CHIZHEN888 Store
151	chuenkei online Store
152	ChunagYing Clothes Store
153	CmetNi T-Shirt Store
154	CNMLGB Store
155	Confident Clothes Store
156	Coolpicked Store
157	COSREA Costume Store
158	Cotton Print Store
159	Cotton T-shirt AB Store
160	Cotton T-shirt AC Store

161	Cotton T-shirt AD Store
162	Cotton T-shirt AM Store
163	Cotton T-shirt AZ Store
164	Cotton t-shirt s Store
165	Cotton T-shirt V Store
166	Cotton T-shirts K Store
167	Cotton T-shirts L Store
168	cotton Tshirts Store
169	Cotton T-shirts X Store
170	Cotton T-shirts Z Store
171	CS-Crazy Store
172	customhats Store
173	customize666 Store
174	CUSTOMIZED Shipper Store
175	Cute Unicorn - Store
176	cw123 Store
177	CX330 Factory Store
178	cxaybaby Store
179	CYQY819 Store
180	da chenchen Store
181	da tan Store
182	da xiao Store
183	DA-8 Store
184	dandeqi Kids Kawaii Store
185	Dark Goth Girl Store
186	Day Day Up N.18 Store
187	DAYFULOO Store
188	Deja Vu
189	Desert Spring
190	design online shirt Store
191	Design t-shirt Store
192	Designer print Store
193	Dezza men Hoddies Store
194	DHD6 Store
195	Digital Print Garment Factory Store
196	Diligent's Factory Store
197	Doctors911 Store
198	dodolook men'sclothingstore Store
199	Dolpind Store
200	dong dong Store
201	Dongguan Qianlong Clothing Co., Ltd.

202	Dongguan Tianan Clothing Co., Ltd.
203	DPP16 Store
204	DPP9 Store
205	Dropship --- Store
206	Dropship win-win Store
207	Dropshipping Explosive trendy Store
208	dropshipping kpop Store
209	Dshztooma Ballard Store
210	Dshztooma Official Store
211	Dumb costume Store
212	Duodecember Store
213	DXCKJGHIOSDJ Store
214	Eclipse Oxygen Store
215	Ecobros SanMao Store
216	eHoll Hats Store
217	EIGHTIN Store
218	engiening Store
219	euow Official Store
220	Eve Lefin Flagship Store
221	EVOCUST 2200 Store
222	EVOCUST Official Store
223	Export discounts Store
224	Extraordinary clothes Store
225	F888888888 Store
226	Factory Outlet Clothes Store
227	fain zoe macket Store
228	fashio n Store
229	Fashion Hipster Zone Store
230	FashionDesigner Store
231	FashionX Store
232	feiges Store
233	feng dou trading company Store
234	feng dou2010 Store
235	FH Personality Print Store
236	Fire B Clothes Store
237	First Global Store
238	Fish8888888 Store
239	FOKS Store
240	Forest Clothes Store
241	frdun. Store
242	FreeWF Store

243	Funtees Hoodies Store Store
244	GAI T-shirt Store
245	GDD.22 Store
246	Gelvshi Dropshipping Store
247	gfh111 Store
248	GGM03 Store
249	GHH.7 Store
250	-ShopAliaeFnewfuture Store