

**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-01771

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 as follows.

This Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered April 7, 2022, [15] (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' 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. [13], 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'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' 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 Alipay US, Inc. and its related companies and affiliates

(“Alipay”), Alibaba Group Holding Limited and its related companies and affiliates (“Alibaba”), Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY (“DHgate”), and PayPal, Inc. (“PayPal”), , (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, Alipay, Alibaba, DHgate, and PayPal, 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 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.
6. Any Third Party Providers, including Alipay, Alibaba, DHgate, and PayPal, 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.
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 "100% cotton T-shirt 68 Store 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. [13], and the TRO [15] 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:



Matthew F. Kennelly
United States District Judge

Dated: 5/4/2022

Schedule A

No.	Defendants
1	100% cotton T-shirt 68 Store
2	100% cotton tshirts..... Store
3	3 years old Store
4	BOKEZL Store
5	CosyUnion Store
6	Fantasy Life Store
7	FreeEasy Store
8	Glaedwine Store
9	GooSo Store
10	JJ302 Store
11	Lanco Store
12	LostLove Store
13	LoveGoodSoul Store
14	Lucci Store
15	Men Women Personality Printing Store
16	Mr Jie Trend Store
17	NI NI 520 Store
18	NO:0000008 Store
19	Oukley Store
20	Pang-1983 Store
21	qin qin Store
22	qin12345678 Store
23	SHARMA SHUCH Official Store
24	Shenzhen CY group co., LTD
25	Shop New 97 Store
26	Shop1100005072 Store
27	Shop1100008032 Store
28	Shop1100008037 Store
29	Shop1100008068 Store
30	Shop1100009028 Store
31	Shop1100010010 Store
32	Shop1100012048 Store
33	Shop1100014045 Store
34	Shop1100036164 Store
35	Shop1100084302 Store
36	Shop1100086227 Store
37	Shop1100088131 Store
38	Shop1100089120 Store

39	Shop1100090113 Store
40	Shop1100176216 Store
41	Shop4601023 Store
42	Shop5031072 Store
43	Shop5597492 Store
44	Shop910331286 Store
45	Shop910356019 Store
46	Shop911202116 Store
47	Shop911427348 Store
48	Shop911545365 Store
49	Shop911551379 Store
50	Shop912625624 Store
51	Shop912626441 Store
52	Shop912627550 Store
53	Truman Store
54	Vintees Store
55	YL666 Store
56	yyytshirt Store
57	zhang'sen Store
58	zhuangmuying Store
59	ZKH.11 Store
60	zoey 1313 Store
61	aafq Store
62	abackgammonyti Store
63	ace113 Store
64	aixdhbuyct Store
65	aizi01 Store
66	alimama03 Store
67	america123 Store
68	American Apparel Store
69	andreshop Store
70	andrewgoudelock Store
71	angi01 Store
72	aoho Store
73	apparelfactoryseller Store
74	asgo Store
75	baby_to Store
76	bai01 Store
77	bangtou Store
78	bbb001 Store
79	bbb559 Store

80	beautifuldaliy Store
81	Brand store Store
82	brand1222 Store
83	buyocean02 Store
84	carawayo Store
85	catherine002 Store
86	catherine003 Store
87	chasebudinger Store
88	chengcheng10 Store
89	chenyu2 Store
90	childrendm4 Store
91	chunsdhbuy Store
92	chushu11 store
93	cinda01 Store
94	clwoye Store
95	coeus6h Store
96	customonline Store
97	d2hat Store
98	dafu01 Store
99	das887 Store
100	deborahao Store
101	dhgateangelco Store
102	dhgatetengs Store
103	dhgatexy Store
104	dhnetaaa Store
105	dhnetyma Store
106	dhngcbuygate Store
107	dhthenhyy Store
108	diamondwatcheq Store
109	diegonovo Store
110	douwudhtibuy Store
111	dresswonder Store
112	ethikas Store
113	fashion_1992 Store
114	fashion_fable Store
115	fashionaccessory1 Store
116	fashionbag111 Store
117	fengfeng818 Store
118	ffbb Store
119	fsk01 Store
120	fsk05 Store

121	gemmi2021 Store
122	ggbangleit Store
123	ginsengfruit Store
124	glassesboxx Store
125	goodly3128 Store
126	gztqant497 Store
127	halibuta Store
128	hamburgersdogs Store
129	Happy668899store Store
130	healthyherbal Store
131	heysery Store
132	higoodhgate Store
133	hoodie888 Store
134	huihuangguoji02 Store
135	iibackwardness Store
136	iridescentshul Store
137	iultraboost Store
138	jaydaxia Store
139	jiao01 Store
140	jinxin_luggage Store
141	jiqiao Store
142	jmbape168 Store
143	jmbape568 Store
144	kanyedreamworks Store
145	kong04 Store
146	layercuff Store
147	liancheng02 Store
148	lianwu09 Store
149	linranya Store
150	lipsonlips21 Store
151	loveclothingfz3 Store
152	lululemonshots2s Store
153	luo00 Store
154	lusi03 Store
155	maidou666 Store
156	maonidayi Store
157	meiliwang Store
158	mengyang10 Store
159	mingxia1 Store
160	motomove Store
161	naixing Store

162	new_dreams Store
163	nicorapolo Store
164	OFF Brand clothing store Store
165	OFF FOR ALL Store
166	oscardelarenta Store
167	pamele Store
168	performancepelse Store
169	pingangu Store
170	playschool Store
171	popular09 Store
172	pulchritudinous Store
173	qiuti11 Store
174	qxmy2019 Store
175	rfgdg4265 Store
176	serendipity_1 Store
177	shang003 Store
178	shanye02 Store
179	shinyshoesa Store
180	sideceam store
181	sihuai01 Store
182	siqiyi Store
183	sixu86 Store
184	souzuniao Store
185	sport0052 Store
186	starsshine Store
187	suansunye Store
188	tdowntownlady Store
189	teehroman Store
190	tianjima Store
191	topseller569 Store
192	topstore1103 Store
193	trading188 Store
194	trading588 Store
195	trousseau Store
196	tudou12 Store
197	vcx_bacchanalian Store
198	vikey06 Store
199	wayoff Store
200	web3 Store
201	weiquanlo Store
202	wochanmei Store

203	worldtradewholesale Store
204	wuguyufen Store
205	wwwxx777 Store
206	xiaorouchuan Store
207	xqbfwe286 Store
208	xuliang03 Store
209	xuliang04 Store
210	xxclothing Store
211	xyluxurious02 Store
212	xyluxurious04 Store
213	xyluxurious05 Store
214	xyluxurious06 Store
215	yakima Store
216	yipobuydhgatetuy Store
217	yutougui Store
218	yuzhaolin Store
219	yw_clothing_factory0 Store
220	zhajitui Store
221	zhaoliyin Store
222	zhuangxi Store
223	Chengdu Ningyue E-Commerce Co., Ltd.
224	Depoga Technology Developmnet Co., Ltd.
225	Dongguan New Hope Garment Co., Ltd.
226	Dongguan Yiwear Apparel Co., Ltd.
227	Guangzhou Henlie Trading Co., Ltd.
228	Huizhou BRUN Technology Co., Ltd.
229	Jiaxing Lanke Import & Export Co., Ltd.
230	Nanchang Livestar Clothing Company Limited
231	Quanzhou Daiwai Trading Co., Ltd.
232	Quanzhou Diyuan Trading Co., Ltd.
233	Quanzhou Matchyou Trading Co., Ltd.
234	Wuxi Tianshi Import And Export Co., Ltd.
235	Xiamen Bifuren Trading Co., Ltd.

