

**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-00934

Judge Rebecca R. Pallmeyer

Magistrate Judge Sunil R. Harjani

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’ Motion in part as follows.

This Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered February 23, 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' 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' 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 Plaintiffs 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 Defendant Internet Stores, 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 eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"),

ContextLogic, Inc. (“WISH”), Alipay US, Inc. and its related companies and affiliates (“Alipay”), SIA Joom (“Joom”), Alibaba Group Holding Limited and its related companies and affiliates (“Alibaba”), Huguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY (“DHgate”) (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, eBay, PayPal, WISH, Alipay, Alibaba, Joom, and DHgate, 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 eBay, PayPal, WISH, Alipay, Alibaba, Joom, and DHgate, 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 Pleadings, this Order, and other relevant documents on a website and 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. [13] 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 "Guangdong Yatai International Garment Develop Co., Ltd. and all other Defendants identified in the Complaint" that shall apply to all Defendants. The combination of providing notice

via electronic publication and 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 [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 "Rebecca R. Pallmeyer", written over a horizontal line.

Rebecca R. Pallmeyer
United States District Judge

Dated: March 14, 2022

Schedule A

No.	Defendants
1	Guangdong Yatai International Garment Develop Co., Ltd.
2	Nanchang Kingshine Garment Limited
3	chuanyamaoye
4	dedihartant_0
5	firhaperman-0
6	frler_good
7	haiya_88
8	hisunnygirls_123
9	hotsale0
10	jianghushen0
11	lvlindis
12	naveeneshop
13	newlife888_0
14	shoptoday-1
15	smarthall
16	the_best_one_7
17	totoperate
18	Graca
19	Shinka
20	triminhdao88936
21	WANGXINGKK
22	xiaoyaojing5566
23	YujiaStore
24	yun loving home
25	YUNBING
26	yuxijnha
27	ZacharyJoshuaKFaA
28	zhangleild
29	zhangli online
30	zhangyuhang0457
31	zhaoyuying123123
32	ZheMiaoYi
33	zhenpina
34	zhoubingbing55173
35	zhuebez
36	zhujie6398
37	zhutingting2095
38	zimoshanghua

39	ZonaLynncQsRuP
40	100% cotton T-shirt 51 Store
41	eHoll Hats Dropshipping Store
42	factory123 Store
43	GET WELL Store
44	KissMars Store
45	Mariah's store
46	OKMJS 888 Store
47	Shop910322184 Store
48	Shop910340237 Store
49	Shop912624302 Store
50	shop9900014 Store
51	SIMWIND Store
52	Small Koala Store
53	SmartFashion Store
54	SOCOOOL Store
55	SoJhui Store
56	SOMEPET Funny Store
57	ST002 Store
58	ST004 Store
59	STREET TRIBE Store
60	Streetwear Spot Factory Outlet Store
61	Streetwear-Sup Store
62	SUNOWE Official Store
63	SW No.2 Factory Store Store
64	Syntecso Graphic Store
65	TAI T-shirt Store
66	TanFoures Store
67	tao ji Store
68	tao ya Store
69	Teacher911 Store
70	Teepark Store
71	TEEPARTY Store
72	The Last Emperor Store
73	Thefound Dotaer Store
74	threeNN Store
75	TINGHON Trendy Store
76	Treasured Tee Graphic Store
77	Trend leading Store
78	Trendyol Store
79	T-shirt 9900020 Store

80	Tshirt Spring Store
81	t-shirt015 Store
82	t-shirt019 Store
83	t-shirt11 Store
84	t-shirt22 Store
85	T-Tong Store
86	TySBest Store
87	UCN Store
88	Vale123 Store
89	VC wqy Store
90	Very good T-shirt 189 Store
91	Very good T-shirt 204 Store
92	Very Good T-shirt A Store
93	Very Good T-shirt AK Store
94	Very Good T-shirt B Store
95	VV Boutique Store
96	WANGCAI Dropshipping Store
97	wangmumu Store
98	Weng Digital Store
99	Where's ui99996 Store
100	WHM Dropshipping Store
101	Willie Casual Store
102	WM Dropshipping Store
103	World Factory Outlet Store
104	woshitiancai Store
105	WRDPRT TShirt Store
106	WuXianNv Store
107	WYUN Apparel Store
108	WZ Tops Store
109	xiao li Store
110	xinxingxing 01 Store
111	XIUCHENGNW Six 6 Store
112	XOXOX Store
113	yangqiuju Store
114	YIJAYI Store
115	YiWu hat factory Store
116	YOU AND ME STORE
117	you ku Store
118	ypodsbaseball Store
119	YU HANG Store
120	Yuan Da Store

121	Yuan Da4 Store
122	yu-yu-yu clothes Store
123	YYFDC Store
124	z1111111 Store
125	Z59Yclothing Store
126	ZEGUUER Store
127	Zhan Hai Store
128	ZhiXi Xu Store
129	Zhk07 Store
130	Zhuang Zhuang's Store
131	ZIIART Fahion Clothes Store
132	ZIQINGLING Store
133	ZJW0311 Store
134	ZKH.12 Store
135	zs into stock Store
136	ZSBO Store
137	ZSIIBO L-Gdragon Store
138	ZSIIBO winvin Store
139	zxc002 Store
140	aokley Store
141	balee Store
142	bigsound Store
143	buydhgatertian Store
144	buyeshandhgate Store
145	casualsport Store
146	chenshann Store
147	clothingforchoose Store
148	designer_fashion88 Store
149	dfbeauty Store
150	hiem Store
151	hunbery Store
152	kingfengg Store
153	kylelowry Store
154	lead_ykc Store
155	lichee666 Store
156	liyueshop Store
157	Luxury Designer Bags Store
158	Men's Store
159	niuzaikuku Store
160	nxyfashion Store
161	pinlai Store

162	redwomen66 Store
163	rodriguez_13 Store
164	skeletonman Store
165	songsanding Store
166	tai002 Store
167	tikopo Store
168	tingziwei Store
169	wanglon01 Store
170	yesterlike Store
171	yunini Store
172	zhou1501 Store
173	best buyer
174	Casual House
175	DM-Never Confess
176	DM-Sky ShootMonth
177	Fashion-3D
178	Get it ready
179	hats winter
180	Kwste
181	Only One
182	saike-09
183	SKTrendPrintApparel
184	uingxing
185	ZSIIBO Amazing
186	Dongguan Aimeike Sporting Goods Co., Ltd.
187	Dongguan Chaotao Clothing Co., Ltd.
188	Dongguan Minghong Apparel Co., Ltd.
189	Dongguan Minghua Apparel Co., Ltd.
190	Foshan Chancheng Dery Clothing Manufactory
191	Guangzhou Blue Star Clothing Co., Ltd.
192	Guangzhou Greenmark import and export Co.,Ltd
193	Guangzhou Manchuang Trading Co., Ltd.
194	Guangzhou Yiqi Information Technology Co., Ltd.
195	Hebei Zongyan Technology Co., Ltd.
196	Jiangxi Bangyuan Trading Co., Ltd.
197	Jiangxi Heywe Garment Co., Ltd.
198	Jiangxi Jiate Clothing Co., Ltd.
199	Jinjiang Canzhong Trade Co., Ltd.
200	Nanping Yanping Xiangsheng Trade Co., Ltd.
201	Quanzhou Pingxing Trade Co., Ltd.
202	Quanzhou Punuotai Trading Co., Ltd.

203	Shantou Fenteng Clothing Factory
204	Shantou Shinny Garments Co., Ltd.
205	Xiamen Chengtao Decoration Engineering Co., Ltd.
206	Xiamen Gesenda Special Equipment Co., Ltd.
207	Xiamen Jiumai Information Technology Co., Ltd.
208	Xiamen Siyang Global Information Technology Co., Ltd.
209	Xiamen Yige E-Commerce Co., Ltd.
210	Yanshan County Hesi Trading Co., Ltd.
211	Yiwu Haoding Clothing Co., Ltd.
212	Yiwu Mingchang Fashion Co., Ltd.
213	Yiwu Suuvan Garment Co., Ltd.
214	Yiwu Tengka Electronic Commerce Co., Ltd.
215	Yiwu Yuqi Trading Co., Ltd.
216	Yiwu Zhongniao Electronic Commerce Co., Ltd.