

**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-02590

Judge John J. Tharp, Jr.

Magistrate Judge M. David Weisman

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”). 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 May 20, 2022, ECF No. 18 (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that BAD VIBES has provided a basis to conclude that Defendants have sold products using infringing and counterfeit versions of BAD VIBES’ federally registered trademarks (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 shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
 3. Upon BAD VIBES' request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, including, without limitation, any online marketplace platforms such as eBay, Inc., AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc., ContextLogic Inc. d/b/a Wish.com

(“Wish.com”), and Dhgate (collectively, the “Third Party Providers”), shall, within seven (7) calendar 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 and Defendants’ financial accounts, including Defendants’ sales and listing history; 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, PayPal, Inc. (“PayPal”), Alipay, Wish.com, Alibaba, Ant Financial Services Group (“Ant Financial”), Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Upon BAD VIBES’ request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 3, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with

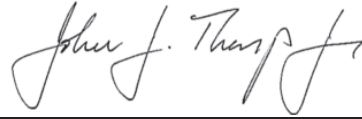
Defendants in connection with the sale of counterfeit and infringing goods using the XXXTENTACION Trademarks.

5. Any Third Party Providers, including PayPal, Alipay, Alibaba, Ant Financial, Wish.com, and Amazon Pay, shall, within seven (7) calendar 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, 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.
6. 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 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 "3 little squirrels and all other Defendants identified in the Operative 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.

7. Plaintiff's Schedule A to the Complaint (ECF No. 2), Exhibit 2 to the Declaration of Robert A. Celestin (ECF No. 15), and the TRO (ECF No. 18) are unsealed.
8. 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.
9. The \$197,000.00 bond posted by BAD VIBES shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:

A handwritten signature in black ink, appearing to read "John J. Tharp, Jr.", written over a horizontal line.

John J. Tharp, Jr.
United States District Judge

Date: June 10, 2022

Schedule A

No.	Defendants
1	3 little squirrels
2	6CR3I4QXQ
3	A CCBZ
4	A&J Golden Retrievers
5	ainishizhende12345@163.com
6	aopiip online store
7	bzazcmshop
8	canrenxiaodi
9	ChuanTuo
10	Debra Jean Misitano
11	DYSHOP
12	Faleleime Ladyskirts
13	fdrtyrw
14	FrancisStonge
15	fuafjf
16	gaoye225
17	Guangling Tan World
18	GuangZhou ChungKong Network Technology Co., Ltd.
19	guhjhjhghhhh
20	happystore1
21	Hyacinth Macaw
22	jianghaonanooop
23	jinxiao35879
24	KEFANGLUO
25	kyeirpaige30811965
26	leiyanga
27	lfott
28	liaohongjun23995
29	licheny
30	lishuanghui768
31	liubaihang65800
32	LiuPei2866455
33	liutong7269
34	liuzexiang2234
35	mary obrien
36	MelissaHeatherbPrLr
37	menggengegeqi
38	nuyjhg
39	O.C. Construction
40	panyingliang886
41	pengqe52
42	PoseyEE

43	Pyramid Softwares
44	qgdjqdhqwdjkdwef
45	qiezian1812
46	qiluyao520
47	ruili-FY
48	shiliuhongle
49	shopkeepers
50	sunshini
51	suxin Store
52	wangrui8023
53	wangsijie44399
54	wangwenle64987213978
55	wangxianghui39773
56	weilunshengmao
57	wenbiaonice
58	wufush
59	wuleihong1234
60	xiao lu vortex
61	XiaoYU51.
62	xingyuanyuan22796
63	xuheng34036
64	xwbsbhh
65	yangshuang1305
66	yanwenkai Store
67	yanwenxue48580
68	Yaomeiyu Dryflower
69	yepu8963
70	yumengjiao
71	zhangnengyuan10950
72	zhangxianglei9356
73	zhangxkl
74	zhangxuewen7906
75	zhohiping123456
76	zmhflynn
77	&YuY& Store
78	1025585888810258 Store
79	1544898767wsfn Store
80	20 New Life Store
81	A-Authority Store
82	ARUO Store
83	BOBOwoman Store
84	Buy art Store
85	CASICIAN Store
86	conquer the world Store
87	Cos School Store

88	Customized Phone Accessories Store
89	D-Dissney Store
90	DF-Clothing Store
91	DIFFRBEAUTY DIFFRBEAUTY Store
92	erdongY Store
93	fervent Store
94	ggcc137 Store
95	Godfather Store
96	Hi Tech Store
97	Hip hop trend shop
98	KK-WANG Store
99	LIBAI Store
100	Maiyaca phone accessories Store
101	Mobile phone accessories factory shop Store
102	N Good boyfriend Store
103	Ocarowell Specialty Store
104	OKMJS HOODIE SPORTSWEAR Store
105	Perfectchoice Store
106	popop Store
107	popular clothing shop
108	Populars Phone Accessories Store
109	qiyue007 Store
110	qlj888
111	Saturday Store 117 Store
112	ShenZhen SIX 6 Co.,Ltd
113	Shop10051 Store
114	Shop1100000036 Store
115	Shop1100213993 Store
116	Shop1100216088 Store
117	Shop1100217094 Store
118	Shop1100217386 Store
119	Shop1100218229 Store
120	Shop1100234046 Store
121	Shop1100268171 Store
122	Shop1100299327 Store
123	Shop1100345463 Store
124	Shop1100350578 Store
125	Shop1100368050 Store
126	Shop1762834 Store
127	Shop19090050 Store
128	Shop4055076 Store
129	Shop4393056 Store
130	Shop4402080 Store
131	Shop4709049 Store
132	Shop4996490 Store

133	Shop5058317 Store
134	Shop5074248 Store
135	Shop5203012 Store
136	Shop5271034 Store
137	Shop5716052 Store
138	Shop5881256 Store
139	Shop5972081 Store
140	Shop8888888888 Store
141	Shop910895031 Store
142	Shop910899038 Store
143	Shop910960052 Store
144	Shop911192062 Store
145	Shop911228058 Store
146	Shop911257043 Store
147	So Good So Good Store
148	Speciald31 Store
149	Stranger66 Store
150	TenderFashion Store
151	TINGHON Official Store
152	With kids Store
153	xianyang Store
154	XMPCW009 Store
155	Yneoi Store
156	YNGO-GG Store
157	You defined Store
158	zhuandale Store
159	Zororong No.6 Store
160	cloteh20ss Store
161	dhhiphop Store
162	dhnetoo Store
163	e_popshop Store
164	hxx1224 Store
165	jies01 Store
166	kittyglasses Store
167	lotustoot Store
168	morangbuydhtr Store
169	Original luxury designer Store
170	pianistststasd Store
171	piggeorge18 Store
172	redkeyboard Store
173	sarah02 Store
174	snapchat Store
175	trendyamoy387 Store
176	wangjiannan123 Store
177	Dongguan City Marco Miyin Apparel Co., Ltd.

178	Foshan Rapheal International Trading Co., Ltd.
179	Fujian Ouya Supply Chain Co., Ltd.
180	Guangzhou Blue Whale Weaving Clothing Co., Ltd.
181	Guangzhou Etai Apparel Co., Ltd.
182	Hangzhou New Emperor Imp&exp Co., Ltd.
183	Hunan Qianzi Garment Co., Ltd.
184	Jiangxi Wobain Import& Export Co., Ltd.
185	Nanchang Lijinghui Trading Co., Ltd.
186	Nanchang Novae Industrial Co., Ltd.
187	Nanchang RuiJie Garment Co., Ltd.
188	Nanchang Wise Works Knitting Co., Ltd.
189	Quanzhou Minshan Import & Export Trading Co., Ltd.
190	Shaoxing City Jiuzhan Imp & Exp Trade Co., Ltd.
191	Shenzhen Bonlovesport Co., Ltd.
192	Shenzhen Yuao Technology Co., Ltd.
193	Suzhou Cotland Import&Export Co., Ltd.
194	Xiamen Demigod Industry Co., Ltd.
195	Xiamen Skh Trading Co., Ltd.
196	Xingan Wanna E-Commerce Co., Ltd.
197	Yiwu Jiuwu E-Commerce Firm