

**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. 1:22-cv-03204

**Judge Manish S. Shah**

**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 the online marketplace accounts identified in Schedule A (the “Defendant Internet Stores”). After reviewing the Motion and the accompanying record, this Court GRANTS BAD VIBES’ Motion as follows.

This Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered July 1, 2022, [15] (“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. *See* Docket No. [13].

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, 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, or in connection with any of Defendant Internet Stores, including, without limitation, any online marketplace platforms such as Alipay US, Inc. and its related companies and affiliates ("Alipay") and Alibaba Group Holding Ltd. ("Alibaba") (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, 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 Defendant Internet Stores and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Defendant Internet Stores; and
  - c. any financial accounts owned or controlled by Defendants, including their officers, agents, 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, 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 Alipay and Alibaba, 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, 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.
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/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 "3Case Store 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.

7. 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.
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 Fifty Thousand Dollars (\$50,000) 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:



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Manish S. Shah  
United States District Judge

Dated: August 8, 2022

**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	3Case Store
2	400 Store
3	7Skr Store
4	Anime cases Store
5	Awesome Phone Case Store Store
6	B Dropshipping Store
7	BaBt010 Store
8	Belife Casual Store
9	Blueming30 Store
10	BO88 Store
11	Chaopu0318 Store
12	Childhood shop Store
13	China Ali Store
14	CusomQuality 06 Store
15	DJ_02 Store
16	Dshztooma Store
17	Ecchi Store
18	fa yin hu Store
19	Father son suit Store
20	feng yi Store
21	Ferla Store
22	Fightor Store
23	four206 Store
24	han han funny Store
25	Hevey_phonecase Store
26	HIHIHI Store
27	hxccase Store
28	I wardrobe Store
29	ILoveStickers Store
30	Into the i-land 40 Store
31	Jennie's Store
32	JuHuiYing Store
33	KDH16 Store
34	KKAYCATE Offical Store
35	Lavaza Little Man Store
36	Longsheng Store
37	LOVECAP Store
38	LUCKYLSY Store
39	Lulikaby Factory Store
40	MHLan Store
41	Najojo Store
42	NAMCHA Official Store
43	New A clothes Store
44	Ninja Academia Store
45	Obstinatcy Store
46	Parent child shop Store

47	Personalizedshoes Store
48	Q&A Store
49	Quality pure cotton Tees 22 Store
50	RuiTing02 Store
51	S70 Store
52	shop 9900024 Store
53	Shop1100217825 Store
54	Shop1100344608 Store
55	Shop1100346589 Store
56	Shop1100349199 Store
57	Shop1100349582 Store
58	Shop1100349671 Store
59	Shop1100352098 Store
60	Shop1100372028 Store
61	Shop1100386885 Store
62	Shop1100387914 Store
63	Shop1100387944 Store
64	Shop1100388939 Store
65	Shop1100390875 Store
66	Shop1100391890 Store
67	Shop110061 Store
68	Shop1102055178 Store
69	Shop1102055487 Store
70	Shop1102055501 Store
71	Shop1102057504 Store
72	Shop1102057511 Store
73	Shop1102059939 Store
74	Shop1102060450 Store
75	Shop1102061439 Store
76	Shop1102062317 Store
77	Shop1102062369 Store
78	Shop1102062425 Store
79	Shop1102062706 Store
80	Shop1102062950 Store
81	Shop1102063418 Store
82	Shop1102077493 Store
83	Shop1102090607 Store
84	Shop1102101014 Store
85	Shop1102112330 Store
86	Shop1102113659 Store
87	Shop1102120072 Store
88	Shop11069 Store
89	Shop1970901 Store
90	Shop4685119 Store
91	Shop5247168 Store
92	Shop5419199 Store
93	Shop5430209 Store
94	Shop5557093 Store
95	Shop5585075 Store



96	Shop5880550 Store
97	Shop5883773 Store
98	shop6945818 Store
99	Shop910315311 Store
100	Shop910349112 Store
101	Shop912627428 Store
102	So cute O Store
103	StaryKing Store
104	STYDFG Store
105	sunshine First Store
106	Sunshine1 Store
107	Sunshine5 Store
108	SUNTIAN Store
109	THE ANSWER Store
110	Tianze Men's Store
111	TIDESHEC Official Store
112	T-shirt 564 Store
113	tshirtsy Store
114	UlgenHat Store
115	Vlone Tshirt Store
116	wenzhou Store
117	wlz Store
118	WPWP Store
119	Wujigege Store
120	Xiaoxiao Costume Store
121	XXX Hoodies Store
122	YANAGUN Official Store
123	yEcRelAx Vintage Store
124	yellowpod b Store
125	YingYang Store
126	YinQingA2 Store
127	YiTing03 Store
128	YJJ Dropshipping Store
129	Yolo-121 Store
130	ypodscustom Store
131	YYDS- Store
132	zeng92042118 Store
133	Zentai Factory Store
134	Dongguan Baolong Clothing Co., Ltd.
135	Guangzhou Fannie & Rose Trading Co., Ltd.
136	Guangzhou Hongcheng Clothing Co., Ltd.
137	Guangzhou Xiake Trading Co., Ltd.
138	Shantou Chaonan District Liangying Shuliqui Clothing Factory
139	Shenzhen Longgang Hotspots Clothing Factory
140	Shenzhen Yuyue Industry Co., Ltd.
141	Xiamen Star Key Technology Co., Ltd.
142	Xiamen Yuhuoyu Trading Co., Ltd.
143	Zhuji Hengmai Imp&Exp Co., Ltd.