

**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-03777

Judge Matthew F. Kennelly

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 22, 2022, [16] (“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 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, 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 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 "A sweet house 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.
7. Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Robert A. Celestin, Esq. [13], and the TRO [16] 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 Ten Thousand Dollars (\$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: 8/15/2022

Schedule A

No.	Defendants
1	A sweet house Store
2	Bohai quality Store
3	Boutique clothing B1 Store
4	chuang ye xing xing Store
5	Direct sales location Store
6	Eharlien Factory Store
7	guorong zhuang Store
8	lw19891101 Store
9	Manuela Store
10	Merry Pretty Official Store
11	Shop110000075 Store
12	Shop1100213178 Store
13	Shop1100290205 Store
14	Shop1102060000 Store
15	Shop1102085645 Store
16	Shop1102121930 Store
17	Shop1102122647 Store
18	Shop1102137091 Store
19	Shop1102143395 Store
20	Shop1102144120 Store
21	Shop1102154776 Store
22	Shop1102163446 Store
23	Shop1102165398 Store
24	Shop1102166426 Store
25	Shop1504872 Store
26	Shop900235122 Store
27	Shop900244105 Store
28	Shop900244400 Store
29	Shop900246272 Store
30	Shop910335167 Store
31	Shop910347171 Store
32	Shop910365368 Store
33	Shop910367307 Store
34	Shop910369334 Store
35	Shop910458268 Store
36	Shop910557147 Store
37	Shop910570277 Store
38	Shop910715065 Store
39	Shop910721101 Store
40	Shop910837002 Store
41	Shop910930052 Store
42	Shop911045025 Store
43	Shop911045236 Store
44	Shop911113137 Store
45	Shop911135062 Store
46	Shop911194237 Store

47	Shop911253099 Store
48	Shop911539037 Store
49	Shop911547306 Store
50	Shop911574148 Store
51	Shop911575512 Store
52	Shop911586004 Store
53	Shop911600470 Store
54	Shop911601263 Store
55	Shop911604340 Store
56	shopping Harajuku Store
57	Sidno Store
58	Streetwear Design Factory Store
59	Streetwear Hoodies Store
60	Superb+ Store
61	tao xiao ya Store
62	Tears of Mona Lisa
63	THE COOLMIND Official Store
64	The Way I Am Store
65	Think What You Think Store
66	tian ya Store
67	tianyangguan Store
68	Tina Store
69	TNT Store
70	TongTongClothing Store
71	Tophatker
72	TREND-Setter Store
73	Trendyy2k Store
74	True i Store
75	TSHIRT 999888 Store
76	t-shirt018 Store
77	TT shirt men Store
78	TUNICA Hat factory Store
79	twoNN Store
80	Unique Design Clothes Store
81	Ventiesna Clothes Store
82	Vikineey Tshirt Store
83	Vlone-Sakura Store
84	WADEJAY Store
85	WAMNI Apparel Store
86	WGTD Dropshipping Store
87	WGTD Tshirt Store
88	Where's Hui69998 Store
89	Winter020 Store
90	WT07 Store
91	ww+ Store
92	XHL Store
93	xing ye Store
94	XINGCHEN316ZHIHAI Store
95	XT05 Store

96	xuchuan Store
97	XXDai Store
98	XY456 Store
99	xz14141414 Store
100	yh188888888 Store
101	Yilin 5th Store
102	Yiwu Go Party Costume And Accessory Co., Ltd.
103	YM-capacity for love woman jeans Store
104	ypods-custom Store
105	yssa Store
106	Yuan Da2 Store
107	yun da Store
108	YUXIA0001 Store
109	YWSRLM Store
110	YX7 Store
111	yyy655 Store
112	Zeaili Store
113	Guangzhou Shuliqi Garment Co., Ltd.
114	Shenzhen Yali Clothing Co., Ltd.