UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

EMOJI COMPANY GmbH,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE A HERETO, Case No.: 20-cv-5216

Judge Jorge L. Alonso

Defendants.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on EMOJI COMPANY GmbH's Motion for a Preliminary Injunction, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction in its entirety against the Defendants identified in Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's EMOJI Trademarks (the "EMOJI Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this

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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 Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has made a *prima facie* showing of trademark infringement because (1) the EMOJI Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 4,868,832; 5,202,078 and 5,415,510 for the EMOJI marks, (2) Defendants are not licensed or authorized to use EMOJI Trademarks, and (3) Defendants' use of the EMOJI Trademarks are causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with EMOJI COMPANY GmbH. Furthermore, Defendants' continued and unauthorized use of the EMOJI Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff 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 affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be enjoined and restrained from:
 - a. using Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection

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with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine EMOJI Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine EMOJI Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's EMOJI Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's EMOJI Trademarks and damaging Plaintiff's goodwill;
- e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof;
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell (now or in the future) Counterfeit EMOJI Products; and

- g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof that is not a genuine EMOJI Products or not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks.
- 2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that it owns and/or operates, (c) their financial accounts, including all eBay and PayPal, Inc. ("PayPal") accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through h, above.
- 3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff's choosing:
 - a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or

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- b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
- 4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, eBay, PayPal, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the EMOJI Trademarks, including any accounts associated with the Defendants listed in Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the EMOJI Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified in Schedule A from displaying in search results. This includes, but is not limited to, removing links to the Defendant Domain Names from any search index.
- 5. Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer, eBay, PayPal, advertisers, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web

designers, sponsored search engine or ad-word providers, banks, merchant account providers, including, eBay, PayPal, third party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Plaintiff expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

- a. The identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
- b. The nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names;
- c. Defendants' websites and/or any Online Marketplace Accounts;
- d. The Defendant Domain Names or any domain name registered by Defendants; and
- e. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in 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,

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Amazon, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

- 6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- eBay shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any eBay accounts connected to the information listed in Schedule A hereto; and
 - Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 8. PayPal shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Amazon accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

- 9. Plaintiff may provide notice of these proceedings to Defendants, including notice
 - of any future hearings and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names are transferred to Plaintiff's control will redirect, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto; and any e-mail addresses provided for Defendants by third parties accompanied by a link to the website where the above-identified documents are located. The Clerk of Court is directed to issue a single original summons in the name of "WEIQI9586 and all other Defendants identified in Schedule A to 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 domain name registrars and 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.
- 10. Plaintiff's Schedule A to the Complaint and the TRO is unsealed.
- 11. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.
- 12. Plaintiff shall post a bond with the Court within one week of entry of this Order.

Dated: November 3, 2020

Jorge L. Alonso U.S. District Court Judge

No.	Defendant Name / Alias
1	weiqi9586
2	yimi9809
3	xuem61
4	zongchangba7
5	thrivingzgy
6	unclew1814-9
7	yaqif12
8	yuchengoo1
9	a*customer*after*sales
10	aduogen123
11	bessky_store
12	polyesterpolyester
13	qingl38
14	randegreendesign
15	rohbaja
16	rosepinkflower
17	sa-2244
18	shaojinyan_0
19	shengxinyide2019new
20	ssxj3885
21	startbeg8
22	susufx
23	swallowgoldmin
24	sweethome666
25	t85-25
26	tany886a
27	tapestryindia
28	tksph1tal
29	tofortik
30	tolulu99
31	topl_28
32	topsalefly
33	total_accessories
34	totoperate
35	toys_essential
36	tym201712025
37	veevan.bags
38	veevan.growth

SCHEDULE A

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39	vlovelife
40	
40	wangbiaoclothes
	wanhopala
42	xiemuhuan
43	yalu95
44	yituomaoyi2021
45	youandmestore
46	young9236
47	yuhengdz001
48	zssdan8
49	pari.creation48
50	passwordjewel
51	pateljewel
52	pateljewellers
53	precise_creation
54	ring_jewels
55	rinhoo-ilovebeads
56	royal.jewells
57	rsjewelrystore
58	rudraj-10
59	serendipity_jewels
60	silver_trade
61	silver_trinkets
62	silverjewelryarts
63	silvexstore
64	sk_jewels
65	sober188
66	sparklediamond2019
67	sssamartha
68	sunshine-gems
69	thai_glamour
70	thespringdiamond
71	tnbtrading
72	trendzstar
73	tvs-jewelery
74	victorianmart
75	vsjewels
76	worland-supermarket
77	yanglian1438857
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88	sunxhu76
89	top1-in
90	uniq23v3
91	wantone97
92	wholesale-center365
93	yalstore
94	yiwucommerce
95	yw_day11
96	articraftstore
97	patch.ur.cloth
98	plenglassie
99	rexyuyan2
100	shoppingtime2018
101	surapraser_0
102	technology-onsale
103	thailand.barzaar
104	thailand.outlets
105	thaitree-chuenjai
106	thaiwitnystore
107	thewayofgoodlife
108	unique.applique
109	varanya_barbie
110	yupchan-0
111	rainbowonline2012
112	stlke02
113	style-bag
114	toy-castle
115	travel-with-fashion
116	universalegoods
117	veevan.dream
118	veevan.lohas
119	vetrinaa
120	wemarket26

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121	xiaus_ylcjoekyq
122	yuan_ly1984
123	yushione1987
124	zezo-store
125	zhengdingfashionshop
126	igadget_d
127	prime_overseas
128	qiuliang88deng
129	reneewang8812-5
130	rksun2019
131	rrrcollect
132	top_e
133	uonfire
134	villagehead
135	wongfruit
136	worldeye_24x7
137	yiyuan-woniu
138	youzhigang520_3
139	zammart09
140	xipei1115
141	yaojianmei1030
142	salesfor80
143	savemoneyeveryday2012
144	tellme-y
145	timing998
146	toyhome519
147	xlookstradez
148	xsx0709
149	yanqim_0
150	yetnet519
151	zhuanyunshop.09
152	zjchen19850703
153	zjyjsz2018
154	powertree_1
155	rosy_days
156	shou30sa89
157	the-gizmo
158	tomsbeststore
159	yeagoal338
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189pantene-fashion190paysdumontblanc191penguimkoala192qi8y641ew974r6-3193queen-five194queenmarygolf195roniti2012196royaleconcept197royalselangor198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	187	allsunme
190paysdumontblanc191penguimkoala192qi8y641ew974r6-3193queen-five194queenmarygolf195roniti2012196royaleconcept197royalselangor198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	188	flash789
191penguimkoala192qi8y641ew974r6-3193queen-five194queenmarygolf195roniti2012196royaleconcept197royalselangor198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	189	pantene-fashion
192qi8y641ew974r6-3193queen-five194queenmarygolf195roniti2012196royaleconcept197royalselangor198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	190	paysdumontblanc
193queen-five194queenmarygolf195roniti2012196royaleconcept197royalselangor198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	191	penguimkoala
194queenmarygolf195roniti2012196royaleconcept197royalselangor198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	192	qi8y641ew974r6-3
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198rubens.norsar2018199safimarket200shopping24x7201shoppingmart1	196	royaleconcept
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200shopping24x7201shoppingmart1	198	rubens.norsar2018
201 shoppingmart1	199	safimarket
201 shoppingmart1	200	shopping24x7
	201	
	202	

203	siminfan0
204	singsongbeby
205	sohhuj-0
206	sunxiaoxuan2561468
207	superb_shirt
208	super-china-shop
209	taipoxun002
210	tan_yen
211	top-class88
212	toys*top1*gift
213	toyshop88
214	trading_happy_garden
215	tsbuynow
216	tudou184
217	tupperware4salemy
218	wangfcai85496-8
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220	wholesaler200598
221	windmill2006
222	wisbud-0
223	wybeads-fine-jewelry
224	xingribbon
225	yacoub.store
226	yadjoin201909
227	yanzh5364
228	yaski-deni
229	yezisu34
230	yihongchen8866
231	ykcw8874
232	ylsshorttube96
233	yongpinlon0
234	yunosg1386
235	zarzar-8
236	zjncdzsw

No	Defendants Online Marketplace
1	https://www.ebay.com/usr/weiqi9586

2	https://www.ahay.com/usr/vimi0800
	https://www.ebay.com/usr/yimi9809
3	https://www.ebay.com/usr/xuem61
4	https://www.ebay.com/usr/zongchangba7
5	https://www.ebay.com/usr/thrivingzgy
6	https://www.ebay.com/usr/unclew1814-9
7	https://www.ebay.com/usr/yaqif12
8	https://www.ebay.com/usr/yuchengoo1
9	http://stores.ebay.com/a-customer-after-sales
10	http://www.ebay.com/usr/aduogen123
11	http://stores.ebay.com/bessky-store
12	https://www.ebay.com/usr/polyesterpolyester
13	https://www.ebay.com/usr/qingl38
14	https://www.ebay.com/usr/randegreendesign
15	https://www.ebay.com/usr/rohbaja
16	https://www.ebay.co.uk/usr/rosepinkflower
17	https://www.ebay.com/usr/sa-2244
18	https://www.ebay.co.uk/usr/shaojinyan_0
19	https://www.ebay.com/usr/shengxinyide2019new
20	https://www.ebay.com/usr/ssxj3885
21	https://www.ebay.com.au/usr/startbeg8
22	https://www.ebay.com/usr/susufx
23	https://www.ebay.com/usr/swallowgoldmin
24	https://www.ebay.com/usr/sweethome666
25	https://www.ebay.com/usr/t85-25
26	https://www.ebay.com/usr/tany886a
27	https://www.ebay.com/usr/tapestryindia
28	https://www.ebay.com/usr/tksph1tal
29	https://www.ebay.com/usr/tofortik
30	https://www.ebay.com/usr/tolulu99
31	https://www.ebay.com/usr/topl_28
32	https://www.ebay.com/usr/topsalefly
33	https://www.ebay.com/usr/total_accessories
34	https://www.ebay.com/usr/totoperate
35	https://www.ebay.com/usr/toys_essential
36	https://www.ebay.com/usr/tym201712025
37	https://www.ebay.com/usr/veevan.bags
38	https://www.ebay.com/usr/veevan.growth
39	https://www.ebay.com/usr/vlovelife
40	https://www.ebay.com/usr/wangbiaoclothes
41	https://www.ebay.com/usr/wanhopala
42	https://www.ebay.com/usr/xiemuhuan

10	
43	https://www.ebay.com/usr/yalu95
44	https://www.ebay.com.au/usr/yituomaoyi2021
45	https://www.ebay.com/usr/youandmestore
46	https://www.ebay.com/usr/young9236
47	https://www.ebay.com/usr/yuhengdz001
48	https://www.ebay.com/usr/zssdan8
49	https://www.ebay.com/usr/pari.creation48
50	https://www.ebay.com/usr/passwordjewel
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53	https://www.ebay.com/usr/precise_creation
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67	https://www.ebay.com/usr/sssamartha
68	https://www.ebay.com/usr/sunshine-gems
69	https://www.ebay.com/usr/thai_glamour
70	https://www.ebay.com/usr/thespringdiamond
71	https://www.ebay.com/usr/tnbtrading
72	https://www.ebay.com/usr/trendzstar
73	https://www.ebay.com/usr/tvs-jewelery
74	https://www.ebay.com/usr/victorianmart
75	https://www.ebay.com/usr/vsjewels
76	https://www.ebay.com/usr/worland-supermarket
77	https://www.ebay.com/usr/yanglian1438857
78	https://www.ebay.com/usr/zahav04id
79	https://www.ebay.com/usr/zala_fashion
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81	https://www.ebay.com/usr/pulsation
82	https://www.ebay.com/usr/puyef5
83	https://www.ebay.com/usr/qjzga9

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88	https://www.ebay.com/usr/sunxhu76
89	https://www.ebay.com/usr/top1-in
90	https://www.ebay.com/usr/uniq23v3
91	https://www.ebay.com/usr/wantone97
92	https://www.ebay.com.au/usr/wholesale-center365
93	https://www.ebay.com/usr/yalstore
94	https://www.ebay.com/usr/yiwucommerce
95	https://www.ebay.com/usr/yw_day11
96	http://www.ebay.com/usr/articraftstore
97	https://www.ebay.com/usr/patch.ur.cloth
98	https://www.ebay.com/usr/plenglassie
99	https://www.ebay.com/usr/rexyuyan2
100	https://www.ebay.com/usr/shoppingtime2018
101	https://www.ebay.com/usr/surapraser_0
102	https://www.ebay.com/usr/technology-onsale
103	http://www.ebay.com/usr/thailand.barzaar
104	https://www.ebay.com/usr/thailand.outlets
105	https://www.ebay.com/usr/thaitree-chuenjai
106	https://www.ebay.com/usr/thaiwitnystore
107	https://www.ebay.com/usr/thewayofgoodlife
108	https://www.ebay.com/usr/unique.applique
109	https://www.ebay.com/usr/varanya_barbie
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111	https://www.ebay.com.au/usr/rainbowonline2012
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113	https://www.ebay.com/usr/style-bag
114	https://www.ebay.com/usr/toy-castle
115	https://www.ebay.com/usr/travel-with-fashion
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123	https://www.ebay.com/usr/yushione1987
124	https://www.ebay.com/usr/zezo-store

125	https://www.ahay.com/wer/zhangdingfashionshop
123	https://www.ebay.com/usr/zhengdingfashionshop http://www.ebay.com/usr/igadget_d
127	https://www.ebay.com/usr/prime_overseas
128	https://www.ebay.com/usr/qiuliang88deng
129	https://www.ebay.com/usr/reneewang8812-5
130	https://www.ebay.com/usr/rksun2019
131	https://www.ebay.com/usr/rrrcollect
132	https://www.ebay.com/usr/top_e
133	http://www.ebay.com/usr/uonfire
134	https://www.ebay.com/usr/villagehead
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145	https://www.ebay.com/usr/timing998
146	https://www.ebay.com/usr/toyhome519
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156	https://www.ebay.com/usr/shou30sa89
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158	https://www.ebay.com/usr/tomsbeststore
159	https://www.ebay.com/usr/yeagoal338
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163	https://www.ebay.com/usr/timeins
164	https://www.ebay.com/usr/uncle_ding
165	https://www.ebay.com/usr/vipsoonhua

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166	https://www.ebay.com/usr/worldorder2018
167	https://www.ebay.com/usr/rightluck
168	https://www.ebay.com/usr/taohailan2
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171	https://www.ebay.com/usr/wnicestore
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177	http://www.ebay.com/usr/madcgong1
178	https://www.ebay.com/usr/panda_cindy
179	https://www.ebay.com/usr/thanu_84
180	https://www.ebay.com/usr/waikaeo0
181	https://www.ebay.com/usr/yours-ours
182	https://www.ebay.com/usr/v-store18
183	https://www.ebay.com/usr/wonderfulpc13
184	https://www.ebay.com/usr/tomsun998
185	https://www.ebay.com/usr/winstore888
186	https://www.ebay.com/usr/zhoubin64
187	http://www.ebay.com/usr/allsunme
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189	https://www.ebay.com/usr/pantene-fashion
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193	https://www.ebay.com/usr/queen-five
194	https://www.ebay.com/usr/queenmarygolf
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197	https://www.ebay.com/usr/royalselangor
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199	https://www.ebay.com/usr/safimarket
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202	https://www.ebay.com/usr/sh-w185
203	https://www.ebay.com/usr/siminfan0
204	https://www.ebay.com/usr/singsongbeby
205	https://www.ebay.com/usr/sohhuj-0
206	https://www.ebay.com/usr/sunxiaoxuan2561468

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207	https://www.ebay.com/usr/superb_shirt
208	https://www.ebay.com/usr/super-china-shop
209	https://www.ebay.com/usr/taipoxun002
210	https://www.ebay.com/usr/tan_yen
211	https://www.ebay.com/usr/top-class88
212	https://www.ebay.com/usr/toys*top1*gift
213	https://www.ebay.com.au/usr/toyshop88
214	https://www.ebay.com/usr/trading_happy_garden
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233	https://www.ebay.com/usr/yongpinlon0
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236	https://www.ebay.com/usr/zjncdzsw