



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 01ST DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.736 of 2018

and

O.A.No.980 of 2018

and

A.Nos.2881, 5842 and 6008 of 2019

Flinto Learning Solutions Private Limited
a company duly incorporated under
the provisions of the Companies Act, 1956
Rep.by its Director Mr.D.Arunprasad
And having its office at
Bharani Flats, Flat-G1, Block-2,
No.1,S.M.Narayan Nagar,
Anna Nagar West Extension
Chennai - 600 101, Tamil Nadu.

Also at

G2,No.36, Chandrasekaran Avenue
2nd Main Road, Thoraipakkam,
Chennai - 600 097, Tamil Nadu.

...Plaintiff/Applicant
(in O.A.No.980 of 2018 and
A.No.2881 of 2019)

-Versus-

1.Metis Learning Solutions
Private Limited,
a company existing and incorporated
under the Companies Act 1956
of the address 33B/5/9, Kishangarh,
Vasant Kunj, New Delhi - 110070.

...Defendant No.1/Respondent No.1/Respondent No.1
(in O.A.No.980 of 2018 and
A.No.2881 of 2019)



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2. Google India Private Limited
a company incorporated
under the Companies Act 1956
of the address No.3, RMZ Infinity - Tower E,
Old Madras Road, 4th and 5th Floors,
Bangalore - 560 016,
Karnataka, India.

...Defendant No.2/Respondent No.2/Respondent No.2
(in O.A.No.980 of 2018 and
A.No.2881 of 2019)

3. Google LLC
a company existing under
the laws of the United States of America
of the address 1600 Amphitheatre Parkway,
Mountain View, California 94043,
United States of America.

...Defendant No.3/Respondent No.3/Respondent No.3
(in O.A.No.980 of 2018 and
A.No.2881 of 2019)

CS.No.736 of 2018

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and decree for:-

(a) A permanent injunction restraining defendant No.1, its men,
agents, servants, licensees, franchisees, distributors, assigns and
representatives or anyone claiming through or under them from infringing
the plaintiff's registered trademark "FLINTOBOX" by using it as Google
Advertisement keyword or any other mark which is/are identical with and/or
deceptively similar to the plaintiff's trademarks either per-se or in
combination with any other work/mark, and English or Tamil or any other



language, which is identical with and/or deceptively similar to plaintiff's registered trademark "FLINTOBOX" or in any other manner whatsoever;

(b) A Mandatory injunction directing defendant No.1 to disclose the details of the website traffic received by their use of "FLINTOBOX" as Google Advertisement keyword infringing the plaintiff's registered trademark;

(c) The defendant No.1 be ordered to pay to the plaintiff a sum of Rs.25,01,000/- as damages for the act of infringement of trademark committed by defendant No.1;

(d) Directing the defendant No.1 to render a true and faithful account of sales made by sale of products to the users visiting the website of the defendant No.1 after search for the registered trademark "FLINTOBOX" of the plaintiff and the defendant No.1 be further ordered and directed to pay to the plaintiff such amount as may be found due on such account being taken;

(e) For costs of the suit.

O.A.No.980 of 2018



grant an ad-interim injunction restraining Respondent No.1, its men, agents, servants, licensees, franchisees, distributors, assigns and representatives or anyone claiming through or under them from infringing the Applicant/Plaintiff's Registered Trademark "FLINTOBOX" by using it as Keyword for Google Advertisements or any other mark which is/are identical with and/or deceptively similar to the Applicant/Plaintiff's trademarks either per-se or in combination with any other work/mark, and English or Tamil or any other language, which is identical with and/or deceptively similar to Applicant/Plaintiffs' registered trademark FLINTOBOX' or in any other manner whatsoever pending disposal of this suit.

A.No.2881 of 2019

Application praying that this Hon'ble Court be pleased to order for appropriate action against the respondents for willful and deliberate disobedience of the injunction order 12.11.2018 passed by this Hon'ble Court in O.A.No.980 of 2018 in C.S.No.736 of 2018 which is subsisting till date.

A.No.5842 of 2019

Google LLC
A company existing under
the laws of the United States of America
of the address, 1600 Amphitheatre Parkway,
Mountain View, California 94043,



United States of America.

...Applicant/Respondent No.3/ Defendant No.3

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-vs-

1. Flinto Learning Solutions Private Limited
a company duly incorporated under
the provisions of the Companies Act, 1956
Rep.by its Director Mr.D.Arunprasad
And having its office at
Bharani Flats, Flat-G1, Block-2,
No.1,S.M.Narayan Nagar,
Anna Nagar West Extension
Chennai - 600 101, Tamil Nadu.

Also at

G2,No.36, Chandrasekaran Avenue
2nd Main Road, Thoraipakkam,
Chennai - 600 097, Tamil Nadu.

...Respondent No.1/Applicant /Plaintiff

2.Metis Learning Solutions
Private Limited,
a company existing and incorporated
under the Companies Act 1956
of the address 33B/5/9, Kishangarh,
Vasant Kunj, New Delhi - 110070.

...Respondent No.2/Respondent No.1/Defendant No.1

3.Google India Private Limited
a company incorporated
under the Companies Act 1956
of the address No.3, RMZ Infinity - Tower E,
Old Madras Road, 4th and 5th Floors,
Bangalore - 560 016,
Karnataka, India.

...Respondent No.3/Respondent No.2/Defendant No.2



Injunction Order dated 12.11.2018 passed in O.A.No.980 of 2018 in
C.S.No.736 of 2018.

A.No.6008 of 2019

Google India Private Limited
a company incorporated
under the Companies Act 1956
of the address No.3, RMZ Infinity - Tower E,
Old Madras Road, 4th and 5th Floors,
Bangalore - 560 016,
Karnataka, India.

...Applicant/ Respondent No.2/Defendant No.2
-vs-

1. Finto Learning Solutions Private Limited
a company duly incorporated under
the provisions of the Companies Act, 1956
Rep.by its Director Mr.D.Arunprasad
And having its office at
Bharani Flats, Flat-G1, Block-2,
No.1,S.M.Narayan Nagar,
Anna Nagar West Extension
Chennai - 600 101, Tamil Nadu.

Also at
G2,No.36, Chandrasekaran Avenue
2nd Main Road, Thoraipakkam,
Chennai - 600 097, Tamil Nadu.

...Respondent No.1/Applicant /Plaintiff

2.Metis Learning Solutions
Private Limited,
a company existing and incorporated
under the Companies Act 1956
of the address 33B/5/9, Kishangarh,
Vasant Kunj, New Delhi - 110070.

...Respondent No.2/Respondent No.1/Defendant No.1

3. Google LLC
A company existing under
the laws of the United States of America



of the address 1600 Amphitheatre Parkway,
Mountain View, California 94043,
United States of America.

... Respondent No.3/ Respondent No.3/Defendant No.3

Application praying that this Hon'ble Court be pleased to vacate the Injunction Order dated 12.11.2018 passed in O.A.No.980 of 2018 in C.S.No.736 of 2018.

This suit alongwith these applications coming on this day before this Court for hearing, in the presence of Mr.R.Sathish Kumar, Advocate for the plaintiff in C.S.No.736 of 2018 and for the applicant in O.A.No.980 of 2018 and A.No.2881 of 2019 and for the 1st respondent in A.Nos.5842 and 6008 of 2019 and Mr.R.S.Diwaagar, Advocate for the 1st defendant in C.S.No.736 of 2018 and for the 1st respondent in O.A.No.980 of 2018 and A.No.2881 of 2019 and for the 2nd respondent in A.Nos.5842 and 6008 of 2019 and Ms.Shilpa Subramanian, Advocate for the 2nd defendant in C.S.No.736 of 2018 and for the 2nd respondent in O.A.No.980 of 2018 and A.No.2881 of 2019 and for the 3rd respondent in A.No.5842 of 2019 and for the applicant in A.No.6008 of 2019 and Mr.S.Anand, Advocate for the 3rd defendant in C.S.No.736 of 2018 and for the 3rd respondent in O.A.No.980 of 2018 and A.No.2881 of 2019 and A.No.6008 of 2019 and for the applicant in A.No.5842 of 2019 and upon reading the plaint filed in C.S.No.736 of 2018 and the judge's summons and the affidavit of D.Arun Prasad filed in A.No.2881 of 2019 and the Judge's Summons and the Affidavit of R.Suresh Babu filed in A.No.5842 of 2019 and the Judges Summons and the Affidavit of Gitanjali Duggal filed in A.No.6008 of 2019 and the order dated 26.11.2018 made in O.A.No.980 of 2018 and the learned counsel for the plaintiff has filed a memo dated 29.6.2021 to

withdraw the suit and this court doth recording the same, **It is ordered as follows:-**



That the suit in C.S.No.736 of 2018, be and is hereby dismissed as withdrawn.

2. That these O.A.No.980 of 2018 and A.Nos.2881, 5842 and 6008 of 2019 do stand closed.

3. That there shall be no order as to costs of this suit

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
01st DAY OF JULY 2021.

Sd./-
ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies
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15.07.2021

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C.S.No.736 of 2018
and
O.A.No.980 of 2018
and
A.Nos.2881, 5842 and 6008 of 2019

ORDER :-

DATED:01.07.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 26/07/2021

APPROVED ON : 26/07/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Com.Div.) No.736 of 2018

and

A.Nos.2881, 5842 & 6008/2019 & O.A.No.980/2018

Flinto Learning Solutions Private Limited,
a Company duly incorporated under
the provisions of the Companies Act, 1956
Rep.by its Director Mr.D.Arunprasad
And having its office at
Bharani Flats, Flat-G1, Block-2,
No.1, S.M.Narayan Nagar,
Anna Nagar West Extension,
Chennai 600101, Tamilnadu.

.. Plaintiff

/versus/

1.Metis Learning Solutions Private Limited
a company existing and incorporated
under the Companies Act, 1956
of the address 33B/5/9, Kishangarh,
Vasant Kunj,
New Delhi-110070.

2.Google India Private Limited
a company incorporated
under Companies Act, 1956
of the address No.3, RMZ Infinity-Tower E,
Old Madras Road, 4th and 5th Floors,
Bangalore-560016, Karnataka, India.

3. Google LLC,
a company existing under



the laws of the United States of America,
of the address 1600 Amphitheatre Parkway,
Mountain View, California 94043,
United States of America.

.. Defendants

This Civil Suit is filed under Order IV Rule 1 Original Side Rules read with Order VII Rule 1 of CPC Read With Sections 28, 29, 134 and Sections 135 of the Trademarks Act 1999 & Proviso 1 to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016, prayed for (a) A permanent injunction restraining defendant No.1, its men, agents, servants, licensees, franchisees, distributors, assigns and representatives or anyone claiming through or under them from infringing the plaintiff's registered trademark "FLINTOBOX" by using it as Google Advertisement keyword or any other mark which is/are identical with and/or deceptively similar to the plaintiff's trademarks either per-se or in combination with any other work/mark, and English or Tamil or any other language, which is identical with and/or deceptively similar to plaintiff's registered trademark "FLINTOBOX" or in any other manner whatsoever;

(b) A Mandatory injunction directing defendant No.1 to disclose the details of the website traffic received by their use of "FLINTOBOX" as Google Advertisement keyword infringing the plaintiff's registered trademark;

(c) The defendant No.1 be ordered to pay to the plaintiff a sum of Rs.25,01,000/- as damages for the act of infringement of trademark committed by defendant No.1;



(d) Directing the defendant No.1 to render a true and faithful account of sales made by sale of products to the users visiting the website of the defendant No.1 after search for the registered trademark “FLINTOBOX” of the plaintiff and the defendant No.1 be further ordered and directed to pay to the plaintiff such amount as may be found due on such account being taken;

(e) For costs of the suit.

For plaintiff : Mr.R.Sathish Kumar

For Defendants : Mr.R.S.Diwaagar for D1

: Ms.Shilpa Subramanian for D2

: Mr.S.Anand for D3

JUDGMENT

The learned counsel for the plaintiff has filed a memo to withdraw the suit.

2. Recording the same, the civil suit is dismissed as withdrawn. Consequently, connected applications are also closed. There shall be no order as to costs.

Sd./- G.J.J
01.07.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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