



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 1ST DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Com.Div) NO.734 OF 2018

AND

O.A.NO.979 OF 2018

AND

A Nos.5841 & 6007 OF 2019

AND

A.Sr.Nos.60844 & 60845 OF 2020

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.979 OF 2018

Versus

1.Funfinity Learning Solutions Private Limited
a company existing and incorporated
Under the Companies Act 2013
of the address 7 & 18 Jalaram Industrial Estate,
Bannerghatta Road, Near Arekere Gate,
Bangalore- 560 076, Karnataka, India.

...Respondent No.1/Defendant No.1
in O.A.NO.979 OF 2018



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.

...Respondent No.2/Defendant No.2
in O.A.NO.979 OF 2018

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/Defendant No.3
in O.A.NO.979 OF 2018

C.S.(Com.Div) NO.734 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 Trade Mark 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.979 OF 2018:-

Original Application praying that this Hon'ble Court be pleased to 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



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/Plaintiff's registered trademark "FLINTOBOX" or in any other manner whatsoever; Pending disposal of the suit.

A No.5841 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

Versus

1.M/s.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. Funfinity Learning Solutions Private Limited
a company existing and incorporated
Under the Companies Act 2013



of the address 7 & 18 Jalaram Industrial Estate,
Bannerghatta Road, Near Arekere Gate,
Bangalore- 560 076, Karnataka, India.

...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

Application praying that this Hon'ble Court be pleased to vacate the
Injunction Order dated 12.11.2018 passed in O.A.No.979 of 2018 in
C.S.No.734 of 2018.

A No.6007 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

Versus

1.M/s.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. Funfinity Learning Solutions Private Limited
a company existing and incorporated
Under the Companies Act 2013
of the address 7 & 18 Jalaram Industrial Estate,
Bannerghatta Road, Near Arekere Gate,
Bangalore- 560 076, Karnataka, India.

...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 passes in O.A.No.979 of 2018 in
C.S.No.734 of 2018.

A.Sr.Nos.60844 & 60845 of 2020:-

Funfinity Learning Solutions Private Limited
a company existing and incorporated
Under the Companies Act 2013
of the address 7 & 18 Jalaram Industrial Estate,
Bannerghatta Road, Near Arekere Gate,
Bangalore- 560 076, Karnataka, India.

...Applicant



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 Fats, 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.

...1st Respondent/Plaintiff

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. ...2nd Respondent/2nd Defendant

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. ...3rd Respondent/3rd Defendant

A.Sr.No.60844 of 2020:-

Application praying that this Hon'ble Court be pleased to Condone
the delay of 45 days in filling the Written Statement in the above suit;

A.Sr.No.60845 of 2020:-

Application praying that this Hon'ble Court be pleased to grant leave
to adopt the Counter Affidavit filed by the 1st Defendant on 12.02.2019 in

O.A.No.979/2018 as its written statement to the plaint filed in the above
suit;



WEB COPY

This suit along with 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.734 of 2018 and for the applicant in O.A.No.979 of 2018 and for the 1st respondent in A.Nos.5841 & 6007 of 2019 A.Nos.60844 & 60845 of 2020 and Mr.R.S.Diwaagar, Advocate for the 1st and 2nd defendants in C.S.No.734 of 2018 and for the 1st and 2nd respondents in O.A.No.979 of 2018 and A.SR.Nos.60844 & 60845 of 2020 and for the 2nd and 3rd respondents in A.No.5841 of 2019 and for the applicant and 2nd respondent in A.No.6007 of 2019 and Mr.G.Balasubramanian, Advocate for the 3rd defendant in C.S.No.734 of 2018 and for the 3rd respondent in O.A.No.979 of 2019 and A.SR.Nos.60844 & 60845 of 2020 A.No.6007 of 2019 and for the applicant in A.No.5841 of 2019 and upon reading the plaint filed in C.S.No.734 of 2018 and the judges summon and the affidavit of R.Suresh Babu filed in A.No.5841 of 2019 and the judges summon and the affidavit Y.Gitanjali Duggal filed in A.No.6007 of 2019 and the order dated 26.11.2018 made in O.A.No.979 of 2018 and the learned counsel for the plaintiff has filed a memo dated 29.06.2021 to withdraws the suit, and this court doth recording the same. **it is ordered as follows:**

That the suit in C.S.No.734 of 2018, be and is hereby dismissed as withdrawn.



WEB COPY

2) That the O.A.No.979 of 2018 and A.Nos.5841 and 6007 of 2019 and A.Sr.Nos.60844 & 60845 of 2020 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
1ST 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
of the Orders/Judgments.



WEB COPY

VSP

04/08/2021

10

C.S.No.734 of 2018(Com.Div)

And

O.A.No.979 of 2018

And

A.Nos.5841 & 6007 of 2019

And

A.Sr.No.60844 & 60845 of 2020

ORDER

DATED : 01.07.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 08/10/2021

APPROVED ON:20/10/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Com.Div.) No.734 of 2018

and

A.Nos.5841, 6007/2019 & A.Sr.No.60844 & 60845/2020

and

O.A.No.979/2018

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.Funfinity Learning Solutions Private Limited
a company existing and incorporated
under the Companies Act, 2013
of the address 7 & 18 Jalaram Industrial Estate,
Bannerghatta Road, Near Arekere Gate,
Bangalore-560076, Karnataka, India.

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 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& D2

: Mr.G.Balasubramanian for D3



WEB COPY

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.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.