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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. (Comm.Div.) No.733 of 2018

&

O.A No.978 of 2018

&

A. NO. 5840 and 6006 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, Thoripakkam,
Chennai 600 097, Tamil Nadu.

..Plaintiff/Applicant
(in O.A. No. 978 of 2018)

Vs.

1. Imagismart Solutions Private Limited

a company incorporated
under the Companies Act 2013
Plot No.13, Floor 3rd G.T. Road, Block-D
Landmark Opp. Rana Pratab Bagh, CC Colony,
New Delhi-110 007

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

3. **Google LIC**

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/Respondents
(in O.A. No. 978 of 2018)

C.S. (Comm.Div.) No. 733 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 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;

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(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. 978 of 2018

Original Application praying that this Hon'ble Court be pleased to pass an ad- interim injunction restraining the Respondent No.1, its men, agents, servants, licensess, 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 word/mark, and



deceptively similar to Applicant/Plaintiff's registered trademark FLINTOBOX or in any other manner whatsoever, pending disposal of the suit.

A. No. 5840 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

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, Thoripakkam,
Chennai 600 097, Tamil Nadu.

2. Imagismart Solutions Private Limited
Plot No.13, Floor 3rd, G.T. Road, Block-D
Landmark Opp. Rana Pratab Bagh, CC Colony,
New Delhi-110 007

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

...Respondents



Application praying that this Hon'ble Court be pleased to vacate the

Injunction Order dated 12.11.2018 passed in O.A. No. 978 of 2018 in C.S.

No. 733 of 2018.

A. No. 6006 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

Vs.

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, Thoripakkam,
Chennai 600 097, Tamil Nadu.

2. Imagismart Solutions Private Limited
Plot No.13, Floor 3rd, G.T. Road, Block-D
Landmark Opp. Rana Pratap Bagh, CC Colony,
New Delhi-110 007

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

...Respondents



Application praying that this Hon'ble Court be pleased to vacate the Injunction Order dated 12.11.2018 passed in O.A. No. 978 of 2018 in C.S. No. 733 of 2018.

This Suit along with there 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. 733 of 2018 and for the applicant in O.A. No. 978 of 2018 and for the 1st respodent in A. Nos. 5840 and 6006 of 2019 and Mr. R.S. Diwaagar, Advocate for the 2nd defendant in C.S. No. 733 of 2018 and for the 2nd respondent in O.A. No. 978 of 2018 and A. No. 5840 of 2019 and for the applicant in A. No. 6006 of 2019 and Mr. G. Balasubramanian, Advocate for the 3rd defendant in C.S. No. 733 of 2018 and for the 3rd respondent in O.A. No. 978 of 2018 and A. No. 6006 of 2019 and for the applicant in A. No. 5840 of 2019 and upon reading the plaint filed in C.S. No. 733 of 2018 and the Judge's Summons and affidavit of R. Suresh Babu filed in A. No. 5840 of 2019 and the Judge's Summons and the affidavit of Gitanjali Duggal filed in A. No. 6006 of 2019 and the order dated 26/11/2018 made in O.A. No. 978 of 2018 and the learned counsel for the plaintiff has filed a memo dated 29/06/2021 to withdraw the suit, and this court doth recording the same, it is ordered as follows:-

That the suit in C.S. No. 733 of 2018, be and is hereby dismissed as



2. That O.A. No. 978 of 2018 and A. Nos. 5840 and 6006 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
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.)

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the Orders/Judgments/Decrees in this format.



C.S. (Comm.Div.) No.733 of 2018
and
O.A No.978 of 2018
and
A. Nos. 5840 and 6006 of 2019

ORDER :-

DATED: 01/07/2021

THE HON'BLE DR. JUSTICE
G. JAYACHANDRAN

FOR APPROVAL:

APPROVED ON:



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM:**THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN**C.S.(Com.Div.) No.733 of 2018andA.Nos.5840 & 6006/2019 & O.A.No.978/2018

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a Company duly incorporated under
the provisions of the Companies Act, 1956
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And having its office at
Bharani Flats, Flat-G1, Block-2,
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Anna Nagar West Extension,
Chennai 600101, Tamilnadu.

.. Plaintiff

/versus/

1.Imagismart Solutions Private Limited
a company incorporated
under the Companies Act, 2013
Plot No.13, Floor 3rd G.T.Road, Block-D,
Landmark Opp Rana Pratab Bagh, CC Colony,
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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 D2

: Mr.G.Balasubramanian 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 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.