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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. No.871 of 2018

and

O.A. No.1175 of 2018

and

A.Nos.5843 and 6009 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

-Versus-

1. Brainbees Solutions Private Limited,
a company existing and incorporated
under the Companies Act 1956,
of the address Rajashree Business Park,
Survey No.338, Next to Sohrabh Hall,
Tadiwala Road, Lumbini Nagar,
Pune 411001, Maharashtra, India.

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 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/Respondents

C.S. No.871 of 2018

Civil Suit praying that this Hon'ble Court may 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;

(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.1175 of 2018

Original Application praying that this Hon'ble Court be pleased to grant an order of ad-interim injunction restraining the respondent No.1/Defendant 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/Plaintiff's registered trademark FLINTOBOX or in any other manner whatsoever; pending



disposal of the suit.

A.No.5843 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

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. Brainbees Solutions Private Limited,
a company existing and incorporated
under the Companies Act 1956,
of the address Rajashree Business Park,
Survey No.338, Next to Sohrabh Hall,
Tadiwala Road, Lumbini Nagar,
Pune 411001, Maharashtra, 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 20.12.2018 passed in O.A.No.1175 of 2018 in
C.S.No.871 of 2018.

A.No.6009 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. 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. Brainbees Solutions Private Limited,
a company existing and incorporated
under the Companies Act 1956,
of the address Rajashree Business Park,
Survey No.338, Next to Sohrabh Hall,
Tadiwala Road, Lumbini Nagar,



Pune 411001, Maharashtra, India.

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

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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 20.12.2018 passed in O.A.No.1175 of 2018 in
C.S.No.871 of 2018.

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.871 of 2018 and for the applicant in O.A.No.1175 of
2018 and for the 1st respondent in A.Nos.5843 and 6009 of 2019 and
Mr.R.S.Diwaagar Advocate for the 1st defendant in C.S.no.871 of 2018 and
for the 1st respondent in O.A.No.1175 of 2018 and for the 2nd respondent
in A.Nos.5843 and 6009 of 2019 and Ms.Shilpa Subramanian, Advocate for
the 2nd defendant in C.S.No.871 of 2018 and for the 2nd respondent in
O.A.No.1175 of 2018 and for the 3rd respondent in A.no.5843 of 2019 and
for the applicant in A.no.6009 of 2019 and Mr.G.Balasubramaian,
Advocate for the 3rd defendant in C.S.No.871 of 2018 and for the 3rd
respondent in O.A.No.1175 of 2018 and A.No.6009 of 2019 and for the



applicant in A.No.5843 of 2019 and upon reading the plaint filed in C.S.No.871 of 2018 and the judges summons and the affidavit of Gitanjili Duggal filed in A.No.6009 of 2019 and the order dated 11.01.2019 made in O.A.No.1175 of 2018 and the learned counsel for the plaintiff has filed a memo dated 29.06.2021 to withdraw the suit, this court doth recording the same, **it is ordered as follows:-**

That the suit in C.S.No.871 of 2018, be and is hereby dismissed as withdrawn.

2. That these O.A.No.1175 of 2018, A.Nos.5843 and 6009 of 2019 do stand closed.

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

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

Sd./-

ASSISTANT REGISTRAR Comm.Case)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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C.S. No.871 of 2018
and
O.A. No.1175 of 2018
and
A.Nos.5843 and 6009 of 2019

ORDER:-

DATED : 01.07.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 5.8.2021

APPROVED ON: 05.08.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM:**THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN**C.S.(Com.Div.) No.871 of 2018andA.Nos.5843, 6009/2019 & O.A.No.1175/2018

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,
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Chennai 600101, Tamilnadu.

.. Plaintiff

/versus/

- 1.Brainbees Solutions Private Limited
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of the address Rajashree Business Park,
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- 2.Google India Private Limited
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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

: Ms.Shilpa Subramanian for D2

: Mr.G.Balasubramanian for D3

JUDGMENT

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



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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