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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 69/2024**

**SEQUOIA CAPITAL OPERATIONS LLC** ..... Plaintiff

Through: Ms. Shwetasree Majumder, Ms. Priya Adlakha, Mr. Vardaan Anand and Mr. Shiv Mehrotra, Advocates.

versus

**JOHN DOE AND OTHERS** ..... Defendants

Through: Ms. Nidhi Raman, CGSC with Mr. Zubin Singh and Mr. Rahul Kumar Sharma, Advocates for D-5, 6. Ms. Anushka Sharda and Mr. Madhav Khosla, Advocates for D-3.

**CORAM:  
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**24.01.2024**

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**I.A. 1808/2024** (*seeking exemption from filing originals, clear copies and documents with proper margins*)

1. Exemption is granted, subject to all just exceptions.
2. The Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

**I.A. 1809/2024** (*exemption from serving D-1*)

4. The Plaintiff alleges that Defendant No. 1 is perpetrating fraud on the general public by creating a false association with the Plaintiff, resulting in



grave financial losses to the public. Considering the nature of controversy involved in the present suit as well as the peculiar facts and circumstances of the case, exemption from effecting advance service on Defendant No. 1 is allowed.

5. Application is disposed of.

**I.A. 1807/2024 (seeking leave to file additional documents)**

6. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.

7. Plaintiff, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.

8. Accordingly, the application stands disposed of.

**I.A. 1806/2024 (exemption from pre-mediation)**

9. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,<sup>1</sup> exemption from attempting pre-institution mediation is granted.

10. Disposed of.

**CS(COMM) 69/2024**

11. Let the plaint be registered as a suit.

12. Issue summons. Ms. Nidhi Raman, counsel, accepts summons on behalf of Defendants No. 5, 6. Ms. Anushka Sharda, counsel, accepts summons on behalf of Defendant No. 3. They confirm the receipt of the paper-book and waive the right to formal service of summons. Written statement(s) on behalf of the said Defendants shall be filed within thirty days from today.

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<sup>1</sup> 2023 SCC OnLine SC 1382.



13. Upon filing of process fee, issue summons to the remaining Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within thirty days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.

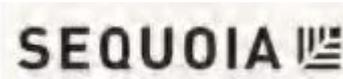
14. Liberty is given to the Plaintiff to file replication(s) within fifteen days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiff, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the above timelines.

15. List before the Joint Registrar for marking of exhibits on 22<sup>nd</sup> March, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

16. List before Court for framing of issues thereafter.

**I.A. 1805/2024 (seeking ad-interim injunction)**

17. The present suit seeks to permanently restrain the unauthorized use of the Plaintiff's registered trademarks "SEQUOIA", "SEQUOIA CAPITAL",

“  ”, “  ” etc. by Defendant No. 1, who is operating a fraudulent cryptocurrency trading and investment online gateway.



18. Ms. Shwetasree Majumder, counsel for Plaintiff, presented the Plaintiff's case as under:

18.1. The Plaintiff is a venture capital firm, having its headquarters at California, United States of America, who offers a range of investment services in various sectors, such as artificial intelligence, machine learning, cryptocurrency, healthcare, fintech, e-commerce, edtech, telecom etc., under the brand name "SEQUOIA". Plaintiff aims to aid founders in building their companies, and has successfully assisted several renowned entities in expanding their businesses.

18.2. The mark "SEQUOIA" was first adopted in 1972 by Plaintiff's founder, Mr. Donald T. Valentine, being inspired from the "SEQUOIA" tree

that lives for thousands of years. The trademarks "SEQUOIA", "", and their formative variants have been registered in Plaintiff's favour in various countries and have now become an essential aspect of Plaintiff's trading activities.

18.3. In India, the Plaintiff has various trademark registrations in different classes, with the first registration dating back to 29<sup>th</sup> July, 2005.<sup>2</sup> Their commercial activities in India commenced in 2006 when Plaintiff authorized an Indian venture capital firm by the name of Westbridge Capital Partners to use the mark "SEQUOIA CAPITAL". In 2006, the said firm was renamed as Sequoia Capital India, which became the first Silicon Valley venture capital firm to have an exposure of more than USD 1 billion in India. The association between Plaintiff and Sequoia Capital India terminated on 06<sup>th</sup>

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<sup>2</sup> Particulars of registration are mentioned at paragraph No. 15 of the plaint.



June, 2023, after the rebranding of Sequoia Capital India as Peak XV Partners, which now operates independently.

18.4. Plaintiff has been regularly featured in Indian print and digital media and also has a significant online presence on social media platforms, which are indicative of Plaintiff's goodwill and reputation in the Indian market. The "SEQUOIA" trademarks are exclusively associated with the Plaintiff and any unwarranted use thereof in relation to capital market would cause customer confusion and result in loss of business and goodwill to the Plaintiff.

18.5. In September, 2023, officials of Peak XV Partners, formerly Sequoia Capital India, were informed of a WhatsApp group named John Analyst Group-303, managed by persons who identified themselves as Sequoia Capital Investors Advisors and Sequoia Capital BTC Trading Team, purportedly a part of the Sequoia Capital Group. The informant revealed that she had been added to this WhatsApp group without her consent and that the group admins were circulating several trading and investment advices. Defendant No. 1 would then ask the investors to register themselves first and then get a referral code from an Assistant Anne. The informant provided Plaintiff's representative with all the WhatsApp conversations on John Analyst Group-303, which contained the details of group admins and also another Telegram account under phone number +44 7311027237 of one Anne.

18.6. Alarmed by such fraudulent activities, Plaintiff hired an Investigator to look into the matter. The Investigator approached Assistant Anne, who uses the username @Anne5023 created using phone No. +44 7512511387, on 28<sup>th</sup> September, 2023. Assistant Anne advised the Investigator to register



a Bitcoin trading account on the website “www.leadlec.com”, using the invitation code ‘pke9’ and also directed him to create Cryptocurrency wallet on a third-party platform, such as Binance or KuCoin, purchase 50 USDT (US Dollar Tether) and transfer the same to his Leadlec Account created on the aforesaid website. She further stated that after the Investigator would furnish a screenshot evidencing the transfer of funds, the Investigator would be added to a WhatsApp group, where the Analysts will share investment tips and trading strategies. Therefore, the Investigator could not obtain any further information from Assistant Anne. According to the website “www.scamdetector.com”, a leading fraud prevention website providing information and analysis on the legitimacy, safety and authenticity of websites, domain names and e-commerce platforms, the website “www.leadlec.com”, which was registered on 04<sup>th</sup> February, 2023 is a phishing and scam website.

18.7. As operators of “www.leadlec.com” namely, Defendant No. 1, were luring consumers using the “SEQUOIA” name/ mark and were also circulating images with trading tips purportedly originating from the Plaintiff, the Plaintiff was contemplating initiation of legal action. However, the said website became inactive in November, 2023 and Plaintiff assumed that Defendant No. 1 had discontinued its illegal activities.

18.8. In January, 2024, Plaintiff’s officials received fresh complaints, whereafter the Plaintiff’s Investigator approached Assistant Anne, who now directed him to a different fraudulent website “www.leadleacoin.com”. The *modus operandi* remains identical; this website mirrors the earlier website “www.leadlec.com” and was registered recently on 12<sup>th</sup> December, 2023. The website “www.scamdetector.com” has also determined this website as a



phishing and spam website. Hence, the present suit.

19. The Court has considered the afore-noted submissions. Extracts of the images and messages being circulated on the John Analyst Group-303 are as follows:







**SEQUOIA Die heutigen Einnahmen 11-Oct-23**

Order	Time	Amount	Result
1	180s	300USDT	profit
2	180s	300USDT	Loss
3	180s	600USDT	profit
4	180s	200USDT	profit
5	180s	400USDT	Loss
6	180s	800USDT	profit
7	180s	200USDT	Loss
8	180s	400USDT	profit
9	180s	300USDT	profit

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SUSTAINABLE  
&  
LOW RISK

Profit >

1,700.00 | USDT

₹ 141400.36

**SEQUOIA Die heutigen Einnahmen 10-Oct-23**

Order	Time	Amount	Result
1	180s	200USDT	profit
2	180s	400USDT	Loss
3	180s	800USDT	profit
4	180s	300USDT	profit
5	180s	100USDT	Loss
6	180s	200USDT	profit

**Libero Financial**  
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SUSTAINABLE  
&  
LOW RISK

Profit >

1,000.00 | USDT

₹ 83205.50



20. The afore-noted screenshots depict that Defendant No. 1 is attracting unsuspecting consumers using the Plaintiff's reputation connected with their registered "SEQUOIA" trademarks. The operators/ group admins of the WhatsApp group John Analyst Group-303 have not been authorized by the Plaintiff to offer financial trading and investment related advices, and are misrepresenting themselves to the public to that effect. The users are being re-directed to the website "www.leadleacoin.com", an alleged bitcoin and cryptocurrency exchange, which again, is not linked with the Plaintiff. *Prima facie*, it appears to be an illegitimate website, intended to be used as a ploy to induce the users to invest substantial sums of money. This further affects the Plaintiff's standing in the market as the consumers are initially drawn by the use of the "SEQUOIA" trademark.

21. In view of the foregoing and the public interest involved in the matter, the Plaintiff has demonstrated a *prima facie* case in their favour and in case an ex-parte ad-interim injunction is not granted, Plaintiff will suffer an irreparable loss. Balance of convenience also lies in the favour of Plaintiff, and against Defendant No. 1. Accordingly, the following directions are issued:

21.1. Till the next date of hearing, Defendant No. 1, or any person acting on their behalf, are restrained from using the Plaintiff's registered "SEQUOIA" trademarks or its variations, as a part of their domain names, websites, mobile applications, social media handle names/ profiles credentials/ description, promotional/ business activities on digital or print media, bank accounts and/ or any business papers etc. in any manner that would amount to infringement of Plaintiff's trademarks.

21.2. Defendant No. 1 or any person acting on their behalf is further



restrained from passing off their business as that of the Plaintiff or in any manner claim an association with Plaintiff and their related entities or employees.

21.3. Defendant No. 2, Meta Platforms Inc., is directed to remove/block WhatsApp accounts of the mobile numbers as mentioned in Document-A annexed with the plaint. They shall also delete the WhatsApp group ‘John Analyst Group-303’ or any other groups/ community groups created by/ administered by the phone numbers of the group admins of the aforesaid group that are misusing the Plaintiff’s trademarks in their communications.

21.4. Defendant No. 3, Telegram FZ-LLC, is directed to remove/ block Telegram accounts as mentioned in Document-B annexed with the plaint. They shall further delete all other groups/community groups created by/ administered by the said phone numbers and/or misusing the Plaintiff’s trademarks in their communications.

21.5. Defendant No. 4, Gname.com Pte. Ltd., shall suspend the domain names “www.leadlec.com” and “www.leadleacoin.com” and maintain *status quo* regarding the ownership of the said domain names. They shall further file in a sealed cover the necessary information pertaining to the identity of the registrants of the aforesaid domain names, as is available with them, within a period of four weeks from today.

21.6. Defendants No. 5 and 6 – Ministry of Electronics and Information Technology, Union of India and Department of Telecommunications, Ministry of Communications, Union of India, respectively, shall issue necessary notifications/ directions to all telecom and internet service providers and Domain Name Registrars in India, to permanently block/ delete/ remove access to all the telephone numbers, websites, domain names



etc., which are subject matter of the present suit.

21.7. Defendant No. 7 [Bharti Airtel Ltd.] and Defendant No. 8 [Vodafone Idea Limited] shall suspend/ block the telephone numbers mentioned in Document-A to the plaint, that are registered with them.

22. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within five days from today.

23. Issue notice. Reply, if any, be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.

24. List on 31<sup>st</sup> May, 2024.

**SANJEEV NARULA, J**

**JANUARY 24, 2024**

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