

3/19/2017

Notice to Cashflow Users – re: Trademark Dispute

The Cashflow and Cashflow (Free) apps that I originally published in mid-2010 and subsequently have sold through my company, NDL, Inc, were suspended from the Google Play Store beginning on July 10, 2015 and the Cashflow (Free) app was subsequently suspended from the Amazon Appstore on October 13, 2015 as the result of a trademark infringement claim made on behalf a trademark holder which owns several trademarks for the term CASHFLOW for financial education products. This trademark holder apparently had recently (as of the complaint) released a financial education game also entitled “Cashflow” on the Android platform.

Believing that the trademark infringement complaint against my software was beyond what the law would reasonably allow and finding that I was unable to resolve the dispute directly with the trademark holder, I was forced to file a lawsuit in US District Court to seek a legal remedy to this dispute. The lawsuit was filed on July 1, 2016. Effective February 8, 2017, the parties entered into a settlement agreement to dismiss the lawsuit without admitting liability, but allowing me to continue to use “Cashflow” as the product name for my software. As a result of the settlement agreement, the suspension of the Cashflow apps will be lifted in both the Google and Amazon stores and I will be able to continue developing and supporting the software.

The apps can be found on the play store at the following urls:

Cashflow (Free): https://play.google.com/store/apps/details?id=com.netdonkeylabs.NDL_Cashflow

Cashflow: <https://play.google.com/store/apps/details?id=com.netdonkeylabs.cashflow>

The full impact of this dispute is hard to completely quantify. Litigation is exceptionally time consuming, stressful, and expensive. While I’m abundantly aware of the costs in terms of my time & money and can quantify the loss of income from sales and advertising, the loss in users of my software is less clear. After almost two years with my software being suspended from the primary Android marketplace, Google reports that current installs of my software now total less than 2% of my total downloads. That is around a 90% loss in users since the outset of this dispute. I don’t have any way to ascertain if Google’s metrics include users that have downloaded my apps directly from my website. It is likely, now that my apps are back on the market, that the income I derive from sales and advertising revenue will be a small fraction of what was earned prior to the beginning of the dispute. I honestly don’t know if I can ever recover the costs of this litigation through marketing of my apps or if I will ever be able to rebuild my user base.

With the dispute now resolved, I plan to focus my efforts on improving my software and expanding it to include updates as well as new functionality and features. One major feature that I was working on prior to the apps being suspended is the ability to sync data between multiple devices. This feature will include a “cloud” component where users would have the ability to access their data through a website. This feature provides a number of benefits including the ability to do better reporting and visualization, but also helps reduce the need for manual backup & restore functions as your data would be stored on a server and not lost in the event of a lost, broken, or stolen phone.

I would also like to take this opportunity to thank everyone for your continued support. I appreciate the feedback and offers of support. If you’re interested finding out how you can help support my continued development and improvement of the Cashflow apps, please visit <http://cashflow.ndl.cc/how-can-i-help/> for more information.

Best Regards,
William Tyler