

+ CS(OS) 512/2008

WOCKHARDT EU OPERATIONS(SWISS) AG & ANR. Plaintiff
Through Mr. Ajay Sahni, Adv.

versus

M/S HIGHLIGHT DRUGS & PHARMACEUTICALS PVT LTD
7 ANR Defendant Mr. R.K.Gupta, Adv.

Through

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER
16.09.2008

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Mr. Pradeep Kumar Gupta and Mr. Digambar Singh, authorized representatives of defendant Nos. 1 and 2 are present in person. They have shown me the original packing of the product, which is being manufactured by them. Tin packing of the defendant's product is three-fourth yellow in colour. Authorized representatives of the defendants state that total turnover from the said product during the last year was only Rupees 20-25 thousand. It is further stated that they do not want to have litigation with the

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file and no page is missing.

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plaintiff as it is expensive and will cause harassment and they are ready and willing to change the name of their product to Lexipro. Counsel for the plaintiff states that he has no objection if the defendants market their products under the name Lexipro.

Defendants will file an undertaking in Court stating that they will not use/market their product with trade name Protilex or infringe the trade mark Protinex of the plaintiff or use deceptively similar mark for their products and shall market and sell the product in question under the trade name Lexipro.

Counsel for the plaintiff has no objection in case an undertaking is given by the defendants and the suit is disposed of in terms of the said undertaking. He does not press for reliefs prayed for in the plaint in view of the statement and undertaking.

It is accordingly directed that the defendants will file an undertaking within two days and suit is disposed of taking the said undertaking on record. Defendants will be bound by the said statement and undertaking.

4-11-08
SANJIV KHANNA, J

SEPTEMBER 16, 2008
NA/VKR

*Pl. see the
undertaking of
Def No 1. (P.I)*