

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 543 OF 2014

VHB Life Sciences Limited ... Plaintiff

Versus

East West Pharma ... Defendant

Mr. Virag Tulzapurkar, Senior Advocate a/w. Mr. Sunil Nair for the Plaintiff.
Ms. Archana Singh for Defendant.
Mr. Bandodkar, 2nd Assistant to the Court Receiver, present.

CORAM : S.J. KATHAWALLA, J.
DATED : 11TH JUNE, 2015

P.C.

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

i. Decree on admission in favour of the Plaintiff and against the Defendant in terms of prayer clauses (a) and (b), which are reproduced hereunder :

“(a) that the Defendant by themselves, its servants and agents be restrained by a perpetual order, injunction of this Hon'ble Court from in any manner infringing the Plaintiff's trade mark 'MYCOTIL' and / or using the impugned trade mark 'MYCOTIL' in respect of pharmaceutical products and / or using the impugned trade mark 'MYCOTIL' or any other trade

mark deceptively similar thereto so as to infringe the Plaintiff's registered trade mark bearing No.1363671.

(b) that the Defendant by themselves, its servants and agents be restrained by a perpetual order, injunction of this Hon'ble Court from in any manner using the trade mark 'MYCOTIL' in respect of pharmaceutical products selling and / or using the impugned trade mark 'MYCOTIL' or any other trade mark deceptively similar thereto so as to pass-off or enable others to pass-off the Defendant goods and / or any goods not manufactured by the Plaintiff as and for the goods of the Plaintiff”.

- ii. The Court Receiver stands discharged without passing accounts but subject to payment of his cost, charges and expenses within a period of four weeks from today by the Plaintiff.
- iii. Refund of Court fees, if any, as per Rules.
- iv. The Suit is accordingly disposed of.

(S.J. KATHAWALLA, J.)