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

+ CS(OS) 2457/2015 & IA No.16885/2015

EXXON MOBIL CORPORATION & ANR Plaintiffs
Through : Mr. Sumit Wadhwa, Advocate

versus

MR SIVA KUMAR MEKALA VENKATANAGAJANI & ANR Defendants
Through : Mr. Anish R. Shah, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 24.11.2015

1. On 10.9.2015, counsel for the defendants had stated that his clients would file an affidavit undertaking *inter alia* that they would not use the trademark "EXXONE" or any other trademark/trading style/domain name identical or deceptively similar to the plaintiffs' well known trademark "EXXON". Pursuant thereto, an affidavit dated 7.11.2015 has been filed by the defendant No.1, Director of the defendant No.2 company, stating *inter alia* that beginning 1.11.2015, the defendants will cease the use of the word "EXXONE" or any other word that is deceptively similar to the plaintiffs' registered trademark "EXXON" as their trademark/trading style/domain name/e-mail address or in any manner whatsoever.

2. Counsel for the defendants clarifies that though it has been

stated in para 5 of the affidavit that the defendants reserve their right to use the trademark "EXXONE" in the future, he has received specific instruction from his clients that they wish to drop the said para from the affidavit.

3. In view of the aforesaid submission, counsel for the plaintiffs states that he has no objection to the aforesaid affidavit being taken on record and in lieu of the undertakings given by the defendants in the affidavit, the plaintiffs proposes to give up the relief of damages/compensation claimed against them.

4. Accordingly, the affidavit is taken on record. The defendants shall remain bound by the terms and conditions recorded therein and immediately upon applying to the ROC for change of the corporate name, the defendants shall furnish a copy of the said application to the plaintiffs within one week therefrom.

5. The suit is decreed in terms of prayers (A), (B) & (C) of the plaint. Decree sheet be drawn up accordingly.

6. The suit is disposed of, along with the pending application, while leaving the parties to bear their own expenses.

NOVEMBER 24, 2015
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HIMA KOHLI, J