

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL I.P. SUIT NO.46 OF 2010

Smithkline Beecham PLC. & Ors.)...Plaintiffs

V/s.

Taj Pharmaceuticals Ltd.)....Defendants

Mr.Ramesh Gajria a/w Ms.Deepa Hate I/by Gajaria and Co. for plaintiffs.

Ms.Rebbeca Dias I/by M/s.Maharashtra Legal Associates for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 6.6.2019

P.C.:-

1. Mr.Gajria appearing for plaintiffs states that defendants have in its written statement made a statement that defendants have stopped using marks which were similar to or identical to plaintiffs' marks.

2. Ms.Dias for defendants reiterates what is stated in the written statement and further states that defendants shall not use any marks similar to or identical to that of plaintiffs. Ms.Dias also states that defendants do not have any stock of the impugned goods and further undertake to withdraw all registrations as mentioned below :-

Trade marks ZENTIC, ZENTIC-400, ZENTIC-400 TAB,

PANADOL or PANADOL ACTIFAST or any other mark

identical with or deceptively similar to plaintiff's trademarks ZANTAC ZINETAC and PANADOL in future ;

Undertaking accepted.

3. The declaration of Defendant that they do not have any stock of the goods under the marks ZENTIC, ZENTIC-400, ZENTIC-400 TAB, PANADOL or PANADOL ACTIFAST or any other mark identical with or deceptively similar to the plaintiff's trademarks ZANTAC, ZINETAC and PANADOL is also accepted.

4. The undertaking of defendant to withdraw all applications within 30 days for registration of the trade marks ZENTIC, ZENTIC-400, ZENTIC-400 TAB, PANADOL or PANADOL ACTIFAST or any other mark identical with or deceptively similar to the plaintiff's trademarks ZANTAC, ZINETAC and PANADOL, which it has filed is also accepted.

5. Suit stands disposed as withdrawn.

No order as to costs.

Refund of court fees in accordance with Rules.

All to act on authenticated copy of this order.

(K.R.SHRIRAM,J)