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C.S.No.426 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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MR.JUSTICE N.SESHASAYEE

C.S.No.426 of 2013

M/s.Micro Labs Limited
represented by its Company Secretary
Yogesh K Shenoy
No.27, Race Course Road
Bangalore 560 001

... Plaintiff

Vs.

M/s.Eris Life Sciences Limited
8th Floor, Commerce House IV
Besides Shell Petrol Pump
100 Feet Road, Prahladnagar
Ahmedabad 380015

(Amendment made as per Order dated
14.07.2023 in Appln. No.3426/2018
and time extended as per order dated
28.07.2023)

... Defendant

Prayer: The Civil Suit has been filed under Order IV Rule 1 of O.S.Rules,
and order VII Rule 1 C.P.C. 1908 r/w Sections 27, 28, 29, 134, 135 of Trade
Marks Act, 1999 praying for Judgment and Decree against the defendant



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(a) for a permanent injunction restraining the defendant, their men, agents or any person claiming through them from in any manner infringing the Plaintiff's Trade Mark 'OLAMIN' by manufacturing, marketing, distributing, offering or advertising for sale the defendant's product in the name and style of 'OLMIN' or any other deceptively similar name;

(b) for a permanent injunction restraining the defendant, their men, agents or any person claiming through them from in any manner manufacturing, marketing, distributing, offering or advertising for sale their product 'OLMIN' or similar sounding names in the course of their business and pass off their products using the Trade Mark 'OLAMIN' or with additions as and for the goods of the plaintiff or enable others to pass off;

(c) for a mandatory injunction directing the defendant to surrender all the infringing products, packing materials, labels etc. in the market to the plaintiff for destroying and for costs.

For Plaintiff : Mr.Sai Krishnan

For Defendant : Mr.S.P.Chockalingam

JUDGMENT

Both sides have filed a joint Memorandum of Compromise and the above suit is disposed of in terms thereof, which reads as below:



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1.The plaintiff shall use the Trade Mark "OLAMIN" in respect of its products namely Ciclopirox Olamine and the defendant shall use the Trade Mark "OLMIN" for its product namely Olmesartan Medoxomil for which the Plaintiff has no objection and the plaintiff therefore, does not press for the relief as sought for in the suit in C.S.No.426 of 2013 as against the defendant and in view of the same, the defendant hereby undertakes to withdraw the rectification application filed by it in (T)OP(TM)No.229 of 2023 filed by the defendant along with M/s.Eris Therapeutics Pvt. Ltd.

2.The Plaintiff hereby agrees to withdraw its opposition lodged with the Trade Marks Registry in Opposition No.782209 for registration of the Defendant's mark in Trade Mark Application No.1897542.

3.The parties therefore pray that this Memorandum of Compromise be recorded in the above suit in C.S.No.426 of 2013 and the suit be disposed of in terms of this compromise.



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2.In view of the same, nothing survives for consideration. This Civil Suit stands disposed of as per the above terms. There is no order as to costs.

25.03.2024

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