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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.O. (COMM.IPD-TM) 237/2022 & I.A. 49246/2024
SD-3C, LLC 1209 ORANGE STREET WILMINGTON DE 19801
USAPetitioner

Through: Mr. Devesh Ratan, Advocate
Mob: 9650271872

versus

JAINCO CAPACITORS OF 313/83A , 1ST FLOOR , TULSI
NAGAR , INDERLOK, NEW DELHI-35Respondent

Through: Mr. S. Nithin, Advocate for R-1.
Mob: 9958030324
Mr. Mukul Singh, CGSC with Ms. Ira
Singh and Mr. Aryan Dhaka,
Advocates for R-2.
Mob: 9971359512

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **20.12.2024**

I.A. 49246/2024 (Application under Order XXIII Rule 3)

1. The present application has been filed under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") on behalf of the petitioner and respondent no. 1.
2. Learned counsel appearing for the parties submit that the petitioner and respondent no. 1 have entered into an amicable settlement, terms of which are reproduced as under:



“xxx xxx xxx

a. That the Petitioner is the proprietor of the marks-



hereinafter referred to as ‘family of SD Trademarks.

b. That Respondent No. 1 acknowledges and accepts that the Petitioner is the absolute and sole owner of the family of SD Trademarks and acknowledges the Petitioner's superior and earlier trademark rights in the family of SD Trademarks.

c. That the Petitioner acknowledges that Respondent No. 1 has registered the trademark under registration no. 652401 for the mark



in class 09 for the goods “ELECTRIC CAPACITORS’ and acknowledges the Respondent No. 1’s rights in the same.

d. That Respondent No. 1 herein undertakes not to object to, oppose, or otherwise interfere with the use and registration of the family of SD Trademarks by the Petitioner or its licensees.

e. That Respondent No. 1 herein undertakes not to use / register/apply any mark that is confusingly similar to the Petitioner's family of SD Trademarks.

f. That Respondent No. 1 herein undertakes to withdraw the opposition no. DEL-855285 against the Petitioner's mark within 15 days of the signing of the present compromise deed and thereafter provide a copy of the said withdrawal request to the Petitioner.

g. That the Petitioner herein undertakes not to object to, oppose, or otherwise interfere with the use and registration of the Respondent No. 1's mark for the goods listed in the specification of the registration no. 652401.

h. That the Petitioner herein undertakes to withdraw the rectification petition numbered as C.O. (COMM.IPD-TM) 237 of 2022 seeking the removal and/or rectification of the Respondent No. 1's mark.

i. This agreement is applicable to the territory of India alone.



Execution of this agreement by the Petitioner does not amount to concession or waiver of its rights by the Petitioner in respect of their family of SD Trademarks in any manner whatsoever in any other jurisdiction.

xxx xxx xxx”

3. Learned counsels appearing for the petitioner and respondent no. 1 submit that they have no other claims against each other and submit that the present rectification petition be disposed of, in terms of the present settlement.
4. Learned counsel appearing for respondent no. 2 submits that he has no objection if the suit is disposed of, in terms of the settlement between the petitioner and respondent no. 1.
5. Parties are held bound by the terms of the settlement.
6. Accordingly, noting the aforesaid settlement between the parties, the present petition is disposed of, along with the pending applications.

MINI PUSHKARNA, J

DECEMBER 20, 2024

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