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

+ C.O. (COMM.IPD-TM) 698/2022 & I.A. 11429/2022

SUN PHAMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE (INDIA) LTD & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

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+ C.O. (COMM.IPD-TM) 702/2022 & I.A. 11525/2022

SUN PHARMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE INDIA LTD. & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

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+ C.O. (COMM.IPD-TM) 703/2022 & I.A. 11527/2022

SUN PHARMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE INDIA LTD. & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)



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+ C.O. (COMM.IPD-TM) 704/2022 & I.A. 11529/2022

SUN PHARMACEUTICAL INDUSTRIES LTD. & ORS.

.....Petitioners

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE INDIA LTD. & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

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+ C.O. (COMM.IPD-TM) 705/2022 & I.A. 11538/2022

SUN PHAMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE (INDIA) LTD & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

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+ C.O. (COMM.IPD-TM) 706/2022 & I.A. 11540/2022

SUN PHAMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE INDIA LTD & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)



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+ C.O. (COMM.IPD-TM) 707/2022 & I.A. 11542/2022

SUN PHAMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE INDIA LTD & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

14

+ C.O. (COMM.IPD-TM) 708/2022 & I.A. 11575/2022

SUN PHARMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

CONTINENTAL MILKOSE INDIA LTD. & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

15

+ C.O. (COMM.IPD-TM) 765/2022, I.A. 18443/2022 & I.A.
18444/2022

SUN PHARMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Advs.
M: 9811180270

versus

PROTRITION PRODUCTS LLP & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)



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+ C.O. (COMM.IPD-TM) 772/2022, I.A. 19181/2022 & I.A.
19182/2022

SUN PHARMACEUTICAL INDUSTRIES LTD.Petitioner

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Adv.
M: 9811180270

versus

PROTRITION PRODUCTS LLP & ANR.Respondents

Through: Ms. Amrita Grover, Adv. (Through
VC)

17

+ CS(COMM) 533/2022, I.A. 876/2023, I.A. 26249/2023 & I.A.
2525/2024

SUN PHARMACEUTICAL INDUSTRIES LTD.Plaintiff

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Rohit Pradhan, Adv.
M: 9811180270

versus

PROTRITION PRODUCTS LLP & ORS.Defendants

Through: Mr. Pranav Sapra and Mr. Abhijeet
Kumar, Adv. for D-4
M: 9953290847

Ms. Amrita Grover, Adv. (Through
VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.11.2024

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1. Settlement Agreement dated 21st October, 2024, has been received by
which the parties have settled their pending disputes.



2. The suit being CS(COMM) 533/2022, was filed by Sun Pharmaceutical Industries Ltd. for seeking permanent injunction restraining infringement of trademark, passing off, unfair competition, delivery up, damages, rendition of accounts of profits, etc.
3. The Sun Pharmaceutical Industries Ltd. has also filed the present cancellation petitions before this Court.
4. Further, the Sun Pharmaceutical Industries Ltd. has also filed the oppositions before this Trademark Registry which are currently objected and/or opposed, details of which are as follows:

MARK	REG. NO. /Dt.	Filed by	STATUS
ABBZORB-	5150302 Dt. 27.09.2021	Def. 1	Objected
ABBZORB NUTRITION (DEVICE)	4064490 Dt. 22.01.2019	Def. 2	Opposed by Plf.
ABBZORB NUTRITION	4065796 Dt. 23.01.2019	Def. 2	Opposed by Plf.

5. Vide judgment dated 24th November, 2023, this Court had passed an order thereby injuncting the defendants from using the impugned mark 'Abbzorb', in the following manner:

"xxx xxx xxx

37. In view of the aforesaid discussion and observations, pending disposal of the suit, the defendants, as well as all others acting on their behalf, shall stand restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in dietary/ health supplements, nutraceuticals, apple cider vinegar and promotional material such as t-shirt, shaker, bags, face mask or any other goods under the impugned marks ABBZORB, ABBZORB NUTRITION,

abbzorb

, and

on | **abbzorb**
nutrition

, and or any other trade mark as



may be deceptively similar to the Plaintiff's trade mark ABZORB, pending disposal of the present suit.

xxx xxx xxx”

6. Subsequently, *CS(COMM) 533/2022* was referred for mediation before the Delhi High Mediation and Conciliation Centre, where the parties have negotiated a settlement and executed the Settlement Agreement dated 21st October, 2024.
7. Learned counsel appearing for the parties confirm the terms of the settlement and submit that suit being *CS(COMM) 533/2022*, be decreed and the rectification petitions be disposed of in terms of the Settlement Agreement between the parties.
8. This Court has perused the terms of the settlement and finds the same to be lawful.
9. In terms of the settlement, the defendants have agreed that the order dated 24th November, 2023 shall be made final and the suit be decreed in terms thereof. Further, the defendants confirm that they have given up the current usage of the impugned marks. Further, the defendants shall file their application for withdrawal of the registrations and pending applications for the impugned marks.
10. It is further the terms of the settlement that the plaintiff shall withdraw the cancellation petitions pending before this Court.
11. The defendants have further confirmed that they have no pending stocks of the products under the impugned marks and have provided the last batch details of the impugned goods, details of which, are given in the Settlement Agreement between the parties.
12. Further, in terms of the settlement, defendant nos. 1 and 4 have



deposited with the plaintiff, a sum of ₹7,50,000/- by way of Bank Draft, towards the full and final settlement amount for the litigation cost, as mutually determined between the parties in the mediation process.

13. Accordingly, suit, i.e., *CS(COMM) 533/2022*, is decreed in favour of the plaintiff and against the defendants in terms of the Settlement Agreement dated 21st October, 2024, which shall form part of the decree.

14. Parties shall remain bound by the terms and conditions of the settlement.

15. The rectification petitions are dismissed as withdrawn, in terms of the settlement between the parties.

16. As and when the defendants file applications for withdrawal of their registration applications, as given in Para 4 above, for the impugned marks, the Trademark Registry shall expeditiously process the withdrawal applications of the defendants.

17. Decree sheet be drawn up.

18. Suit, along with the pending applications, as well as rectification petitions, stand disposed of, accordingly.

19. The Registry is directed to supply a copy of the present order to the Office of the Controller General of Patents, Designs and Trade Marks of India, on E-mail Id: llc-ipo@gov.in, for compliance.

MINI PUSHKARNA, J

NOVEMBER 7, 2024/kr