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

+ **CS(COMM) 546/2021 & I.A. 14157/2021 & I.A. 3923/2023**

MS MOREPEN LABORATORIES LIMITEDPlaintiff

Through: **Mr. Kumar Chitranshu, Adv.**

versus

UNIQUE PLASTIC INDIA & ANR.Defendants

Through: **Counsel through VC (appearance not given)**

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

05.11.2024

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1. Settlement agreement dated 18th September, 2024 has been received from Delhi High Court Mediation and Conciliation Centre.
2. The present suit has been filed seeking permanent injunction against the defendants from infringing the plaintiff's mark 'Dr. Morepen Breathe Free Vaporizer (label)'. The same was said to be infringed by the usage of the mark 'Dr. Morphy Breathe Easy' by the defendants.
3. The matter was referred to Delhi High Court Mediation and Conciliation Centre, vide order dated 7th November, 2023, wherein, the parties have successfully negotiated a settlement and executed a Settlement Agreement dated 18th September, 2024.
4. Counsels for the parties confirm the terms of the settlement and pray that the suit be decreed in terms, thereof.
5. The court has perused the terms of the settlement and finds the same to be lawful. In terms of the settlement, the defendants have acknowledged that the plaintiff is the owner of all the Intellectual Property Rights



subsisting in their marks “” / “Dr. Morepen Breathe Free Vaporizer”.

6. Further, the defendants have undertaken not to manufacture, market, import, offer to sell, advertise and directly or indirectly deal in any product



under the mark “” / “Dr. Morphy Breathe Easy” and its variants, without any prior approval of the plaintiff.

7. Further, the defendants admit the proprietary right of the plaintiff in the trademark bearing no. 2586216.

8. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendant, in terms of the Settlement Agreement dated 18th September, 2024, which shall form part of the decree.

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

10. In view of the fact that the parties have arrived at a compromise, Registry is directed to issue a Certificate for refund of full Court Fees in favour of the plaintiff.

11. Decree sheet be drawn up.

12. The present suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

NOVEMBER 5, 2024/PU