



\$~16

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

+ CS(COMM) 726/2018 & IA Nos. 3497/2018 (u/O XXXIX R-1 & 2 CPC) & 3498/2018 (u/O XXVI R-9 CPC)

MACLEODS PHARMACEUTICALS LIMITED Plaintiff

Through: Mr. Jayant K. Mehta, Ms. Archana Sahadera, Mr. Adithya Jayaraj, Mr. Nikhil Lall, Advs.

versus

RIDLEY LIFE SCIENCE PVT. LTD. Defendant

Through: Mr. Satish Kr. Tripathi along with Mr. Ram Kumar Gautam, Factory Manager of Deft. Company.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.03.2018**

1. This order is in continuation of the earlier order dated 13th March, 2018.
2. The summons/notice sent to the defendant by ordinary process are reported to be served on 15th March, 2018 and the counsel for the plaintiff has also filed an affidavit of service of the defendant.
3. The counsel for the defendant along with Mr. Ram Kumar Gautam, Factory Manager of the defendant appear and state that subject to the plaintiff giving up the claim for damages, the defendant is willing to change the name and the packaging from 'PANTADERM' and 'PANTADERM+' to any other not similar or deceptively similar to the plaintiff's mark

CS(COMM) 726/2018

page 1 of 2



‘PANDERM’ and ‘PANDERM+’ and the plaintiff’s packaging. It is further stated that the defendant undertakes to this Court to immediately stop manufacturing and marketing any goods under the mark ‘PANTADERM’ and ‘PANTADERM+’ and under the impugned packaging.

4. The aforesaid undertaking of the defendant is accepted and the defendant and its Directors are ordered to be bound therewith.

5. The defendant to, by 20th March, 2018, handover under acknowledgment to the counsel for the plaintiff an affidavit of its director disclosing the batch number and the stocks including of packaging with the impugned mark/packaging manufactured till now and the volume of such goods released to the distributors.

6. The defendant is also directed to today itself send a communication to all its distributors to immediately stop distributing stocks under the impugned mark and packaging.

7. List on 24th March, 2018 as sought.

Dasti.

RAJIV SAHAI ENDLAW, J

MARCH 16, 2018

SRwt

CS(COMM) 726/2018

page 2 of 2