

ITEM NO.101

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 843-844 OF 2005

USV LTD.

Appellant (s)

VERSUS

SYSTOPIC LABORATORIES LTD. & ANR.

Respondent(s)

(With appln. for permission to file additional documents Vol. I & Vol. II &
with prayer for interim relief)

Date: 16/02/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s) Mr. RF. Nariman, Sr.Adv.

Mr. Bharat Shah, Adv.

Mr. Pratap Venukumar, Adv.

Mr. E. Venukumar, Adv.

Mr. Harshad Hameed, Adv.

Mr. P. Dileep, adv. for

M/S. K.J. John & Co.,Adv.

For Respondent(s) Mr. Mukul Rohtagi, Sr.Adv.

Mr. Hari Shankar K, Adv.

Ms. Binny Kalra, Adv.

Ms. Rumiya Mohinta, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are disposed of in terms of the Memorandum of Settlement.

(S. Thapar)

(Phoolan Wati Arora)

PS to Registrar

Court Master

The signed order containing the terms of Memorandum of Settlement is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 843-844 OF 2005

USV Limited
Appellant

A

Versus

Systopic Laboratories Ltd. & Anr.

Respondents

O R D E R

Mr. Sudhir P. Thatte, Senior Manager (Legal) of USV Ltd.(Appellants)
and Mr. PK.

Dutta, Managing Director of Systopic Laboratories Ltd. (Respondent) are present in person in

Court.

During the course of hearing the parties have arrived at a mutually acceptable

settlement. The terms of the settlement are recorded as under:

(1) The respondents undertake to make application to the Registrar of Trade Marks to withdraw the registration of the Mark "PIO - 30" within a period of four weeks from today. The respondents also undertake to withdraw the Application No.1120857 of the Trade Mark "PIO - 15" pending before the Registrar of Trade Marks.

(2) The appellants undertake to withdraw their opposition to the registration of Trade Mark "PIOSYS" pending before the Registrar of Trade Marks within a period of four weeks from today.

(3) The respondents will cease to use Trade Mark "PIO -15", "PIO - 30" or the word "PIO" by itself from a period commencing eight months from today or the exhaustion of Batch No. "PIF - 097" (PIO -15) dated 2006, January, 2006 and Batch No."PIT - 83" (PIO-30) dated January, whichever is earlier.

(4) Suit No. 58 of 2003 pending before the High Court of Judicature at Madras stands settled accordingly. The respondents will hereafter be entitled to market their goods under the Trade Mark "Piosys-15" and

"Piosys-30".

5) The appellants herein undertake to file a copy of this Memorandum of Settlement before the High Court of Judicature at Madras.

The appeals stand disposed of in terms of the above settlement.

.....J

(ARUN KUMAR)

.....J

(R.V. RAVEENDRAN)

New Delhi,

February 16, 2006