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

+ **FAO 120/2018, CM APPL. 12704/2018**

SUN PHARMACEUTICAL INDUSTRIES LIMITED Appellant

Through: Mr. Sachin Gupta, Advocate.

versus

CANIXA LIFE SCIENCE P LTD & ANR Respondents

Through: Mr. Virender Goswami, Ms. Soni
Singh and Mr. Shamik Saha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.05.2018

The learned counsel for the appellant submits that the respondents' proposal to market their medicinal product 'LULICONAZOLE' Cream with IP Base 1% ww, the subject matter of the present appeal under the brand name 'LULICLINZ' is acceptable to them. The respondents' inventory of the said product under the existing brand name 'LULICLIN' shall be permitted to be disposed off by them within a period of six months. Details of the product's inventory with batch numbers as well as the packaging material shall be furnished to the appellant within a week.

Since, the *lis* has been amicably resolved by the respondents agreeing to use of trade mark 'LULICLINZ' in lieu of 'LULICLIN', the impugned order shall not be used against them, either in the media or in other proceedings. However, the appellant shall have the right to cite this

Settlement to protect their intellectual property right in their trade mark 'LULIFIN'. Whenever a reference is made to the adoption of the trade mark 'LULICLINZ' by the respondents, it will be construed as a settlement.

The impugned order stands modified accordingly. Indeed, at request of the learned counsel for the appellant, the suit stands compromised and disposed-off in terms of the above.

Should the latter have any query regarding the quantum of the inventory, the respondent would facilitate a meeting in this regard.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

MAY 22, 2018

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