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

+ CS(COMM) 25/2023, I.A. 827/2023 (Order XXXIX Rules 1 and 2 of the CPC), I.A. 828/2023 (Section 12a of the Commercial Courts Act), I.A. 829/2023 (Order XI Rule 1(4) of the CPC) and I.A. 830/2023 (exemption)

SWISS BIKE VERTRIEBS GMBH
SUBSIDIARY OF ACCELL GROUP

..... Plaintiff

Through: Mr. Jayant Mehta, Sr. Advocate
with Ms. Manisha Singh, Mr. Abhai Pandey,
Mr. Varun Sharma, Mr. Aditya Goel, Mr.
Gautam Kumar, Ms. Swati Mittal, Ms.
Shivani Singh Ms. Priyanka Anand and Mr.
PDV Srikar, Advs.

versus

RELIANCE BRANDS LIMITED (RBL)

..... Defendant

Through: Mr. Ankit Sahni and Ms.
Kritika Sahni, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

17.01.2023

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1. Mr. Ankit Sahni, learned Counsel for the defendant raises, as a preliminary point, the submission that, the plaintiff cannot claim that the defendant's mark is phonetically similar to the plaintiff as, consequent to the plaintiff's application for registration, an objection had been raised by the Trademarks Examiner citing the mark RAALIS apart from others, as phonetically similar to the plaintiff's mark, which the plaintiff had resisted. He is permitted to place the said report on record under cover of an index and provide a copy to Mr. Jayant Mehta, learned Senior Counsel for the plaintiff.



2. Renotify on 19th January 2023. Indexed documents may also be emailed to the Court Master during the course of the day.

JANUARY 17, 2023

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C.HARI SHANKAR, J