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

+ CS(COMM) 100/2021, I.A. 3133/2021, I.A. 4316/2021, I.A. 6515/2021, I.A. 8041/2021 & I.A. 11372/2022

RAAJ UNOCAL LUBRICANTS LIMITED

.....Plaintiff

Through: Mr. Jayant Mehta, Sr. Adv. with Mr. Kapil Wadhwa, Ms. Apoorva Maheshwari, Mr. Anish Jandial and Mr. Vikramaditya Sanghi, Advs.
M: 9891929028

versus

APPLE ENERGY PVT. LTD. & ANR.

.....Defendants

Through: Mr. Raj Shekhar Rao, Sr. Adv. with Ms. Diva Arora, Mr. Aditya Varma, Mr. Rohan Krishna Seth, Ms. Vani Sarin and Mr. Rigvid, Advs. for D-2.
M: 9911167179

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **25.02.2025**

1. With the consent of the parties, the following issues are framed:
 - I. Whether the plaintiff is the proprietor and/or has any rights in the trademarks 'UNOCAL', 'UNOCAL 76' and '76'? OPP
 - II. Whether the plaintiff has been using the trademarks 'UNOCAL', 'UNOCAL 76' and '76' continuously since 1991? OPP
 - III. Whether the Defendants' use of the trademark '76' constitutes passing off/unfair competition? OPP
 - IV. Whether the plaintiff is entitled to any relief against the defendants on account of passing off/unfair competition? OPP



V. Whether the defendant's registration bearing TM No. 551399 of the



trademark “ ” in Class 4, is invalid? OPP

VI. Whether the plaintiff's use (if any) of the trademarks '76' from 15th October 1990 to 14th October 1997 inures to the benefit of defendant no. 2 by virtue of the License Agreement dated 25th September 1990? OPD

VII. Reliefs

2. Both the parties are directed to file their list of witnesses, within a period of four weeks, from today.
3. Evidence affidavits shall be filed by the plaintiff within a period of eight weeks, from today.
4. Both the parties submit that since there are cross suits between the parties, both the cases, i.e., *CS(COMM) 100/2021* and *CS(COMM) 285/2021*, be tried together in the trial.
5. They submit that they shall discuss and move an appropriate application in regard thereto.
6. Accordingly, liberty is so granted.
7. Learned counsel for the parties submits that applications for interim injunction, need to be heard.
8. List before the Joint Registrar (Judicial) on 29th May, 2025.
9. Accordingly, list for hearing of *I.A. 3133/2021* before the Court on 27th May, 2025.

MINI PUSHKARNA, J

FEBRUARY 25, 2025/kr/au