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

+ CS(COMM) 65/2020 with I.A. 6555/2022

ESSJAY ERICSSON PRIVATE LIMITED .....Plaintiff

Through: Mr. Saurav Gupta, Advocate.

versus

ELCOM INNOVATIONS PRIVATE LIMITED .....Defendant

Through: Mr. Rohil Bansal, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

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**12.12.2024**

1. The matter is listed for framing of issues. Based on the pleadings of the parties, the following issues are framed in the suit:

- i. *Whether the defendant's product AFT 1001 infringes or passes off as the plaintiff's design registration no.208418?* ~**OPP**
- ii. *Whether the defendant's product AFT 1001 is made as per the defendant's own design registration no.264378?* ~**OPD**
- iii. *Whether the defendant manufactured the product PTR 1000 after the expiry of the agreement dated 18<sup>th</sup> June, 2014, or whether the defendant made any product called AFT 1000?* ~**OPP**
- iv. *Whether the plaintiff's suit design registration no.208418 was bad in law and ought to have been removed from the register?* ~**OPD**
- v. *Whether the plaintiff is entitled to compensation reasonably assessed at Rs.750,00,000/- as pleaded in paragraph 50 and prayed in prayer clause (a) of the plaint?* ~**OPP**



- vi. *Whether the plaintiff is entitled to any interim interest and interest upon judgment as prayed in prayer clause (b) of the plaint? If yes, to what extent?* **~OPP**
- vii. *Whether the plaintiff is entitled to relief of perpetual injunction against the defendant from infringing, encroaching or passing off the plaintiff's registered design no.208418 or from manufacturing or selling any product which is manufactured by the same design in any manner whatsoever, as prayed in prayer clause (c) of the plaint?* **~OPP**
- viii. *Whether the plaintiff is entitled to relief of perpetual injunction restraining the defendant from manufacturing or selling PTR 1000 or any variation thereof or its products AFT 1000 and AFT 1001 or any same or similar product in any manner whatsoever; as prayed in prayer clause (d) of the plaint?* **~OPP**
- ix. *Whether the plaintiff is entitled to a decree for rendition of accounts of profits illegally earned by the defendant and consequent amount found due, as prayed in prayer clause (e) of the plaint? If yes, to what extent?* **~OPP**
- x. *Whether the plaintiff is entitled to relief of attachment against the defendant; as prayed in prayer clause (f) of the plaint? If yes, to what extent?* **~OPP**
- xi. *Whether the plaintiff is entitled to be awarded any exemplary or punitive damages; as prayer in prayer clause (g) of the plaint? If yes, to what extent?* **~OPP**
- xii. *Relief.*



2. No other issue is pressed for or arises for consideration.
3. Parties shall file their respective list of witnesses within four weeks from today.
4. The evidence of witnesses by way of affidavits be filed within eight weeks from today.
5. List before the Joint Registrar for fixing the dates of trial on 25<sup>th</sup> February, 2025.

**AMIT BANSAL, J**

**DECEMBER 12, 2024**

*Vivek/-*