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

+ **CS(COMM) 172/2021 & I.A. 5304/2021.**

SSG FURNISHING LLP

..... Plaintiff

Through: Mr. Saurabh Arora, Advocate through
VC.

versus

NL BLINDS PVT LTD AND ORS.

..... Defendants

Through: Ms. Nancy Roy & Ms. Aastha Kakkar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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15.01.2024

1. The following issues are framed with consent of the parties:

- i. *Whether the Plaintiff's design registrations bearing Nos. 306886, 290081, 290080, 306881, 290084, 290082 and 290085 are liable to be cancelled being non-registrable under the Designs Act, 2000? OPD*
- ii. *Whether the use of the impugned designs, marked as D1 to D7 in the plaint, by the Defendant amounts to piracy of the Plaintiff's registered Designs bearing Nos. 306886, 290081, 290080, 306881, 290084, 290082 and 290085? OPP*
- iii. *Whether the Plaintiff has any trade mark rights over the trade dress marked as P8 in the plaint? OPP*
- iv. *Whether the use of the impugned trade dress, marked as D8 in the plaint, amounts to passing off? OPP*
- v. *Whether the Suit is liable to be dismissed on account of suppression and concealment of material facts by the Plaintiff? OPD*



- vi. *Whether the Suit is bad for non-joinder of necessary parties?* OPD
- vii. *Whether the Suit is liable to be dismissed for lack of cause of action?*
- viii. *Whether the Plaintiff's trade dress is common and used by several third parties, prior to the plaintiff?* OPD

2. After consultation on filing a joint schedule as amenable to them, both the parties will file for leading of evidence and they will file the same before the Court prior to the next date of hearing.
3. List on 5th February, 2024.
4. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 15, 2024/MR/ig