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

+ **CS(COMM) 285/2021 & I.A. 7419/2021**

PHILLIPS 66 COMPANY

.....Plaintiff

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 R-1.
M: 9911167179

versus

RAAJ UNOCAL LUBRICANTS LIMITED

.....Defendant

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

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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25.02.2025

1. With the consent of the parties, the following issues are framed:
 - I. Whether the plaintiff is the owner of the TM No. 551399 in India?
 - II. Whether the defendant is liable for infringement of the plaintiff's TM



No. 551399 for the mark “ ”? OPP

- III. Whether the defendant is liable for passing off its goods and services as those of the plaintiff? OPP

- IV. Whether the defendant is liable for infringement of the plaintiff's



trademark and copyright, in the mark “ ”? OPP

- V. Whether the defendant's use (if any) of the trademark '76' from 15th



October 1990 to 14th October 1997 inures to the benefit of the plaintiff, by virtue of the License Agreement dated 25th September 1990? OPP

VI. Whether the defendant's use of the trademark '76' constitutes passing off/unfair competition? OPP

VII. Whether the plaintiff's registration of the mark  under TM No. 551399 is invalid and liable to be rectified/cancelled? OPD

VIII. Whether the plaintiff is guilty of gross concealment of material facts and forgery of documents placed on record? OPD

IX. Relief.

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. List before the Joint Registrar (Judicial) on 29th May, 2025.

8. List for hearing of *I.A. 7419/2021* on 27th May, 2025.

MINI PUSHKARNA, J

FEBRUARY 25, 2025/kr