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

+ C.A.(COMM.IPD-TM) 28/2025

NVENIA LLC

.....Appellant

Through: Mr. Ranjan Narula, Mr. Shakti Nair &
Mr. Parth Bajaj, Advocates.

versus

THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND
TRADEMARKS

.....Respondent

Through: Ms. Nidhi Raman, Mr. Om Ram &
Mr. Mayank Sansanwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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16.09.2025

I.A. 22984/2025

1. The Appellant has filed the present Application under Order XLI Rule 27 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”) seeking permission to place on record a Clarification Affidavit dated 10.09.2025 for bringing on record the relationship between the Appellant, Fischbein Packaging (Singapore) Pte Ltd. (“**Fischbein Singapore**”) and DURAVANT LLC. It is submitted by the learned Counsel for the Appellant that both the Appellant and Fischbein Singapore were under the common ownership of DURAVANT LLC during the relevant period and the affidavit proposed to be brought on record conclusively establishes the nature of the relationship between DURAVANT LLC and Fischbein Singapore thereby demonstrating that the use of the mark ‘FISCHBEIN’ was already on record before the Respondent.



2. The learned Counsel for the Appellant also submits that the impugned order was passed without seeking any clarification from the Appellant and the Appellant was not afforded any adequate opportunity to place on record the documents to show the relationship between the Appellant, DURAVANT LLC and Fischbein Singapore.
3. Issue Notice.
4. The learned Counsel for the Respondent accepts Notice and seeks time to file Reply to this Application stating that the facts mentioned in the Clarification Affidavit are brought on record for the first time and were never pleaded before during the proceedings before the Respondent.
5. Let Reply be filed within a period of four weeks from date. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.
6. List on 03.12.2025.
7. The date already given of 25.09.2025 is cancelled.

TEJAS KARIA, J

SEPTEMBER 16, 2025
'gsr'