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

+ **CS(COMM) 790/2023**

THE FOUNDRY VISIONMONGERS LIMITEDPlaintiff

Through: Ms. Vareesha Irfan, Adv.

versus

**SILVERCLOUD STUDIOS PRIVATE LIMITED
& ANR.**

.....Defendants

Through: Mr. Rishab Kapoor and Mr. Udai K.,
Advs.

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

ORDER

% **24.01.2025**

I.A. 21724/2023 (under Order XXXIX Rule 1 & 2 of the CPC)

1. With the consent of the parties, the *ad interim* order passed by this Court on 2nd November, 2023 is made absolute till the final adjudication of the suit.
2. Accordingly, the application stands disposed of.

I.A. 21725/2023 (for appointment of Local Commissioner)

3. Since a Local Commissioner has already been appointed in the present application, this application has become infructuous and is disposed of as such.

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4. The matter is listed for framing of issues.



5. Based on the pleadings of the parties, the following issues are framed in the suit:

- i. Whether the plaintiff is the owner of the copyright in software programs 'NUKE and NUKE STUDIO'? **~OPP**
- ii. Whether the defendants have used plaintiff's software programs 'NUKE and NUKE STUDIO' in an unauthorized manner? **~OPP**
- iii. Whether the absence of previous management absolves defendants from the liability for using plaintiff's software programs 'NUKE and NUKE STUDIO' in an unauthorized manner? **~OPD**
- iv. Whether the three employees of the defendants' whose telephonic interview was conducted by the plaintiff's investigator substantiating defendants' unauthorized usage of 'NUKE and NUKE STUDIO' software programs, were employees of defendant No.1? **~OPD**
- v. Whether the previous management of defendant no. 1 had instructed the plaintiff to stop the subscription of the licenses issued to defendant no.1 after clearing all due payments? **~OPD**
- vi. Whether the plaintiffs are entitled to the permanent injunction as sought? **~OPP**
- vii. Whether the plaintiffs are entitled to damages or rendition of accounts of profits from the defendants? **~OPP**
- viii. Any other relief.



6. No other issue is pressed for or arises for consideration.
7. Parties shall file their respective list of witnesses within four (4) weeks from today.
8. The parties shall file evidence of its witnesses by way of affidavits within six (6) weeks from today.
9. List before the Joint Registrar on 27th March, 2025 for fixing dates of trial.

AMIT BANSAL, J

JANUARY 24, 2025

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