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

I.A. 2667/2025, I.A. 2610/2025 & I.A. 2668/2025

IN

+ **CS(COMM) 1184/2024**

EXPHAR S.A. & ANR.

.....Plaintiffs

Through: Mr. Pravin Anand, Ms. Madhu
Rewari, Ms. Lakshmidevi,
Mr. Ashutosh Upadhyaya and
Mr. Ansh Maggo, Advocates.

versus

EXPHA LIMITED & ORS.

.....Defendants

Through: Mr. Gaurav Barathi, Advocate for D-1
Ms. Srika Selvam, Advocate for D-2 &
D-3

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **04.02.2025**

1. At the outset, Mr. Gaurav Barathi, counsel for the defendant no.1 submits that his appearance has been inadvertently missed in the order passed on 31st January, 2025.
2. It is directed that the appearance of Mr. Gaurav Barathi, counsel appearing on behalf of the defendant no.1 be added in the order passed on 31st January, 2025.
3. Mr. Pravin Anand, counsel appearing on behalf of the plaintiffs submits that the export would be deemed to be use in India under Section 56 of the Trade Marks Act, 1999 (hereinafter "the Act"). He further submits that the use of mark "EXPHA" would amount to trademark infringement in terms of



Section 29(5) and Section 29(6)(a) of the Act.

4. The matter requires further examination.
5. Replies to the applications be filed within two (2) weeks. Rejoinder(s) thereto, if any, be filed within one (1) week thereafter.
6. Without prejudice to the rights and contentions, the parties submit that dispute may be referred to Delhi High Court Mediation and Conciliation Centre.
7. List before Delhi High Court Mediation and Conciliation Centre on 10th February, 2025.
8. The Mediator is requested to send his/her report before the next date of hearing.
9. List on 4th March, 2025.

AMIT BANSAL, J

FEBRUARY 4, 2025
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