



(TM)A.No.30 of 2024 and
(T)OP(TM)No.139 of 2023

Dr.ANITA SUMANTH,J.

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For the reasons set out in the application and there being no objection by the respondents, the suit stands restored to the file of this Court.

2.Draft issues have been filed and framed as follows:

(i) Whether the mark of the registered proprietor DOLOBENE is similar to the prior adopted mark of the Petitioner DOLOBAN?

(ii) Whether the registration granted to the registered proprietor is against the provisions of section 57 of the Trade Marks Act, 1999 and thus liable to be cancelled? OPP

(iii) Whether the allegation of infringement is attracted against the registered proprietors?

(iv) Whether the rectification applicant had prior usage over the mark “Doloban” over the registered proprietor's mark of “Dolobene”?

3.Mr.Hemant Daswani, learned counsel for the petitioner and Mr.Tarang K Sancheti, learned counsel for R1 convey the instructions of their respective parties to the effect that they do not wish to lead oral evidence. A memo is filed by the learned counsel for the petitioner to such effect, duly endorsed by the respondent counsel.

4.The petitioner will serve papers upon learned counsel for R2 forthwith.

5.List on 18.04.2024. Proof affidavits to be filed by then in the Registry after exchange inter se.



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Dr.ANITA SUMAN,LL.B.

VS

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03.04.2024