

**Pleas in law**

- Infringement of Article 1d of Regulation (EC) No 216/96, the adversarial principle, and the duty to provide a statement of reasons;
- Objection of *res judicata*.

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**Action brought on 26 February 2015 — Red Bull v OHIM — Optimum Mark (Representation of the colours blue and silver)****(Case T-101/15)**

(2015/C 138/79)

*Language in which the application was lodged: English***Parties***Applicant:* Red Bull GmbH (Fuschl am See, Austria) (represented by: A. Renck, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*Other party to the proceedings before the Board of Appeal:* Optimum Mark (Warsaw, Poland)**Details of the proceedings before OHIM***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* Representation of the colours blue and silver — Community trade mark registration No 2 534 774*Procedure before OHIM:* Proceedings for a declaration of invalidity*Contested decision:* Decision of the First Board of Appeal of OHIM of 2 December 2014 in Case R 2037/2013-1**Form of order sought**

The applicant claims that the Court should:

- Annul the contested decision;
- Order OHIM and the other party to the proceedings before the Board of Appeal of OHIM, should it intervene, to pay the costs.

**Pleas in law**

- Infringement of Articles 4, 7(1)(a) and 52(1)(a) of Regulation No 207/2009;
- Infringement of the principle of legitimate expectations established by the Court of Justice under Community law.

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**Action brought on 26 February 2015 — Red Bull v OHIM — Optimum Mark (Representation of the colours blue and silver)****(Case T-102/15)**

(2015/C 138/80)

*Language in which the application was lodged: English***Parties***Applicant:* Red Bull GmbH (Fuschl am See, Austria) (represented by: A. Renck, lawyer)