

Action brought on 18 September 2007 — Pfizer v OHIM — Isdin (ISDIN Pediatrics)**(Case T-355/07)**

(2007/C 269/116)

*Language in which the application was lodged: English***Parties**

Applicant: Pfizer Ltd (Sandwich, United Kingdom) (represented by: V. von Bomhard, A. Renck, T. Dolde, lawyers, and M. Hawkins, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Isdin, SA (Barcelona, Spain)

Form of order sought

- Annul the Decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 June 2007 in Case R 566/2006-1; and
- order that the costs of the proceedings be borne by the defendant.

Pleas in law and main arguments

Registered Community trade mark subject of the application for a declaration of invalidity: The figurative mark 'ISDIN Pediatrics' for products in among others class 5 — Community trade mark No 1 243 807

Proprietor of the Community trade mark: Isdin, SA

Party requesting the declaration of invalidity of the Community trade mark: The applicant

Trade mark right of the party requesting the declaration of invalidity: The national word mark 'ISTIN' for goods in class 5

Decision of the Cancellation Division: Partial declaration of invalidity of the Community trade mark

Decision of the Board of Appeal: Annulment of the Cancellation Division's decision insofar as it declared the invalidity of the Community trade mark

Pleas in law: Violation of the applicant's right to be heard pursuant to Article 73 of Council Regulation No 40/94 and violation of Article 52 read in conjunction with Article 8(1)(b) of the regulation.

Action brought on 19 September 2007 — Pfizer v OHIM — Isdin (ISDIN 14-8.000)**(Case T-356/07)**

(2007/C 269/117)

*Language in which the application was lodged: English***Parties**

Applicant: Pfizer Ltd (Sandwich, United Kingdom) (represented by: V. von Bomhard, A. Renck, T. Dolde, lawyers, and M. Hawkins, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Isdin, SA (Barcelona, Spain)

Form of order sought

- Annul the Decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 June 2007 in Case R 565/2006-1; and
- order that the costs of the proceedings be borne by the defendant.

Pleas in law and main arguments

Registered Community trade mark subject of the application for a declaration of invalidity: The word mark 'ISDIN 14-8.000' for products in among others class 5 — Community trade mark No 1 243 633

Proprietor of the Community trade mark: Isdin, SA

Party requesting the declaration of invalidity of the Community trade mark: The applicant

Trade mark right of the party requesting the declaration of invalidity: The national word mark 'ISTIN' for goods in class 5

Decision of the Cancellation Division: Partial declaration of invalidity of the Community trade mark

Decision of the Board of Appeal: Annulment of the Cancellation Division's decision insofar as it declared the invalidity of the Community trade mark

Pleas in law: Violation of the applicant's right to be heard pursuant to Article 73 of Council Regulation No 40/94 and violation of Article 52 read in conjunction with Article 8(1)(b) of the regulation.