

*Decision of the Cancellation Division:* Rejected the application for a declaration of invalidity

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 7(c) and (g) of Council Regulation No 207/2009 as the Board of Appeal wrongly applied the legal provisions in question; infringement of international agreements concerning the protection of geographical indications.

---

**Action brought on 24 March 2010 — Solae v OHIM — Délitaste (alpha taste)**

(Case T-145/10)

(2010/C 148/67)

*Language in which the application was lodged:* English

#### Parties

*Applicant:* Solae Holdings LLC (St. Louis, United States) (represented by: E. Armijo Chávarri, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Délitaste S.A. Industrielle et Commerciale d'Aliments (Thessaloniki, Greece)

#### Form of order sought

— Deem the present appeal and attached documents to have been duly filed;

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 16 December 2009 in case R 92/2009-2; and

— Order the defendant to bear the costs.

#### Pleas in law and main arguments

*Applicant for the Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The figurative mark “alpha taste”, for goods and services in classes 29, 30, 39 and 43

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited:* Community trade mark registration of the mark “ALPHA”, for goods in class 29

*Decision of the Opposition Division:* Partially admitted the opposition

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009 as the Board of Appeal wrongly found that there was only a partial likelihood of confusion between the trade marks concerned.

---

**Action brought on 30 March 2010 — Meda Pharma v OHIM — Nycomed (ALLERNIL)**

(Case T-147/10)

(2010/C 148/68)

*Language in which the application was lodged:* German

#### Parties

*Applicant:* Meda Pharma GmbH & Co. KG (Bad Homburg, Germany) (represented by: G. Würtenberger and R. Kunze, lawyers)

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