

— declare the non-contractual liability of the European Union and order the Court of Justice to compensate the applicant for all the loss incurred on account of the contested decisions and appoint an expert to evaluate that loss;

— order the Court of Justice to pay all the costs and expenses.

### Pleas in law and main arguments

The pleas in law and arguments put forward by the applicant are identical to those put forward in Case T-170/10 *CTG Luxembourg PSF v Court of Justice*<sup>(1)</sup> concerning the same tendering procedure.

<sup>(1)</sup> OJ 2010 C 161, p. 48.

### Action brought on 23 August 2010 — Hartmann v OHMI — Mölnlycke Health Care (MESILETTE)

(Case T-342/10)

(2010/C 288/92)

*Language in which the application was lodged: English*

#### Parties

*Applicant:* Paul Hartmann AG (Heidenheim, Germany) (represented by: N. Aicher, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Mölnlycke Health Care AB (Göteborg, Sweden)

#### Form of order sought

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 May 2010 in case R 1222/2009-2, and;

— Order the defendant to bear the costs of the proceedings.

### 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 word mark 'MESILETTE', for goods in class 5 — Community trade mark application No 6494025

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

*Mark or sign cited:* German trade mark registration No 1033551 of the word mark 'MEDINETTE', for goods in class 25; International trade mark registration No 486204 of the word mark 'MEDINETTE', for goods in class 25

*Decision of the Opposition Division:* Rejected 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 made an incorrect assessment of the likelihood of confusion, in particular of the similarity of the signs.

### Action brought on 18 August 2010 — Etimine and Etiproducts v ECHA

(Case T-343/10)

(2010/C 288/93)

*Language of the case: English*

#### Parties

*Applicants:* Etimine SA (Bettembourg, Luxembourg) and Ab Etiproducts Oy (Espoo, Finland), (represented by: K. Van Maldegem and C. Mereu, lawyers)