

**Appeal lodged on 28 April 2011 by Oscar Orlando Arango Jaramillo a.o. against the Order of the Civil Service Tribunal of 4 February 2011 in Case F-34/10 Arango Jaramillo and Others v EIB**

(Case T-234/11 P)

(2011/C 211/58)

*Language of the case: French*

**Parties**

*Applicants:* Oscar Orlando Arango Jaramillo (Luxembourg, Luxembourg), Maria Esther Badiola (Luxembourg), Marcella Bellucci (Luxembourg), Stefan Bidiuc (Grevenmacher, Luxembourg), Raffaella Calvi (Schuttrange, Luxembourg), Maria José Cerrato (Luxembourg), Sara Confortola (Verona, Italy), Carlos D'Anglade (Luxembourg), Nuno Da Fonseca Pestana Ascenso Pires (Luxembourg), Andrew Davie (Medernach, Luxembourg), Marta De Sousa e Costa Correia (Itzig, Luxembourg), Nausica Di Rienzo (Luxembourg), José Manuel Fernandez Riveiro (Sandweiler, Luxembourg), Eric Gällstad (Rameldange, Luxembourg), Andres Gavira Etzel (Luxembourg), Igor Greindl (Canach, Luxembourg), José Doramas Jorge Calderon (Luxembourg), Monica Lledo Moreno (Sandweiler), Antonio Lorenzo Ucha (Luxembourg), Juan Antonio Magaña-Campos (Luxembourg), Petia Manolova (Bereldange, Luxembourg), Ferran Minguella Minguella (Gonderange, Luxembourg), Barbara Mulder-Bahovec (Luxembourg), István Papp (Luxembourg), Stephen Richards (Blaschette, Luxembourg), Lourdes Rodriguez Castellanos (Sandweiler), Daniela Sacchi (Mondorf-les-Bains, Luxembourg), Maria Teresa Sousa Coutinho da Silveira Ramos (Almargem do Bispo, Portugal), Isabelle Stoffel (Mondorf-les-Bains), Fernando Torija (Luxembourg), Maria del Pilar Vargas Casasola (Luxembourg), Carolina Vento Sánchez (Luxembourg), Pé Verhoeven (Brussels, Belgium), Sabina Zajc (Contern, Luxembourg); and Peter Zajc (Contern) (represented by B. Cortese and C. Cortese, lawyers)

*Other party to the proceedings:* European Investment Bank

**Forms of order sought**

The appellants claim that the Court should:

- annul the order subject to appeal, dismiss the objection of inadmissibility raised by the EIB in Case F-34/10, and refer the matter back to the Civil Service Tribunal for it to rule on the substance and on costs in accordance with the forms of order sought by the appellants at first instance;
- in the alternative, having regard to the novelty of the legal questions raised by this appeal, allocate the costs between the parties as fairness requires.

**Pleas in law and main arguments**

In support of their appeal, the appellants rely on three pleas in law.

1. First plea, divided into three limbs, claiming an error of law in the determination of the reasonable period applicable to

the making of the application in the disputes between the EIB and its staff.

- In the first limb, the appellants accuse the Civil Service Tribunal of giving incorrect scope to the case-law concerning the time-limits for EIB staff bringing an action, by abandoning de facto the rule that action must be brought within a reasonable period, which is by nature flexible and open to the balancing of the specific interests at stake, and substituting a strictly-applied and generalised time-limit of three months.
- In the second limb, the appellants argue that, with regard to disputes between the EIB and its staff, no time-limit is laid down by the relevant provisions, whereas the Civil Service Tribunal applied by analogy the period of three months and ten days laid down by Article 91 of the Staff Regulations and Article 100(3) of the Rules of Procedure.
- In the third limb, the appellants claim infringement of the principle of proportionality and their right to effective legal protection in so far as the Civil Service Tribunal described as unreasonable the time-limit observed by the appellants, which had a few seconds of difference by comparison with the reference time-limits applicable in relations under the Staff Regulations.

2. Second plea, raised in the alternative and claiming error of law in the interpretation of the procedural rules applicable, read in the light of the principle of the unforeseen occurrence.
3. Third plea, raised in the alternative and alleging distortion of the evidence for proving the existence of an unforeseen occurrence and an infringement of the rules concerning the investigation and the organisation of the procedure.

**Action brought on 9 May 2011 — Kaltenbach & Voigt v OHIM (3D eXam)**

(Case T-242/11)

(2011/C 211/59)

*Language of the case: English*

**Parties**

*Applicant:* Kaltenbach & Voigt GmbH (Biberach an der Riß, Germany) (represented by: M. Graf, lawyer)

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

**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 1 March 2011 in case R 2361/2010-2;
- Order the defendant to pay the costs of the proceedings.