

6. Sixth plea in law, alleging a manifest error in making the calculations to determine the sums owed to the applicant.

— In this regard, it is maintained that the calculations carried out by the Commission for the purposes of the set-off arrangement also appear to be wrong: if the *flat rates* relating to the 'Marie Curie' Programme are applied, the accounts are inconsistent.

Action brought on 23 January 2013 — Meta Group v European Commission

(Case T-35/13)

(2013/C 79/49)

Language of the case: Italian

Parties

Applicant: Meta Group Srl (Rome, Italy) (represented by: A. Bartolini, V. Colcelli and A. Formica, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should annul the following notes from the European Commission's Directorate-General for Budget Execution (Directorate for General Budget and EDF):

— Note No 1328694 of 12 November 2012 concerning 'Payment by offsetting of debts payable to or by the Commission', in which the Commission informed the applicant that the debt of EUR 69 061,89 which META Group claimed to be owed to it by the Commission in relation to the Take-it-Up contract (No 245637) had been offset against the corresponding debt owed by META Group as shown by Debit Note No 32412078833;

— Note No 1380282 of 21 November 2012 concerning offsetting of the debt of EUR 16 772,36 which META Group claimed to be owed to it by the Commission in relation to the BCreative contract (No 245599) against the corresponding debt owed by META Group as shown by Debit Note No 32412078833;

— Note No 1380323 of 21 November 2012 concerning offsetting of the debt of EUR 16 772,36 which META Group claimed to be owed to it by the Commission in relation to the BCreative contract against the corresponding equivalent debt owed by META Group;

— Note No 1387638 of 22 November 2012 concerning offsetting of the debt of EUR 220 518,25 which META Group claimed to be owed to it by the Commission in relation to the Take-it-Up contract (No 245637) and the Ecolink+ contract (No 256224) against the debt of EUR 209 108,92 owed by META Group as shown by Debit Note No 32412078833;

and, accordingly, order the Commission to:

— pay the applicant the sum of EUR 424 787, plus default interest;

— pay compensation in respect of the consequential loss suffered by the applicant.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those in Case T-34/13.

Action brought on 21 January 2013 — Erreà Sport v OHIM — Facchinelli (ANTONIO BACIONE)

(Case T-36/13)

(2013/C 79/50)

Language in which the application was lodged: Italian

Parties

Applicant: Erreà Sport SpA (Torrile, Italy) (represented by: D. Caneva and G. Fucci, lawyers)

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

Other party to the proceedings before the Board of Appeal: Antonio Facchinelli (Dalang, China)

Form of order sought

The applicant claims that the Court should:

— annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 24 October 2012 in Case R 1561/2011-1 and, consequently, reject the application for registration published in *Community Trade Marks Bulletin* No 117/2010, lodged by Antonio Facchinelli, in respect of all the goods;

— order that the costs incurred by Erreà Sport S.p.A in the present proceedings be reimbursed.