

*Decision of the Examiner:* the application was rejected

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 7(1)(b) and (3) of Regulation (EC) No 207/2009

**Action brought on 13 September 2013 — Schmidt Spiele v OHIM (Representation of a games board)**

**(Case T-493/13)**

(2013/C 325/78)

*Language of the case:* German

#### Parties

*Applicant:* Schmidt Spiele GmbH (Berlin, Germany) (represented by T. Sommer, lawyer)

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

#### Form of order sought

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of OHIM of 3 July 2013 in Case R 1768/2012-1;
- Order OHIM to pay the costs;
- Set a date for the oral procedure.

#### Pleas in law and main arguments

*Community trade mark concerned:* the figurative mark including the representation of a games board for goods and services in Classes 9, 16, 28 and 41 — Community trade mark application No 10 592 095

*Decision of the Examiner:* the application was rejected

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 7(1)(b) and (3) of Regulation (EC) No 207/2009

**Appeal brought on 19 September 2013 by Luigi Marcuccio against the order of the Civil Service Tribunal of 12 July 2013 in Case F-32/12 Marcuccio v Commission**

**(Case T-503/13 P)**

(2013/C 325/79)

*Language of the case:* Italian

#### Parties

*Appellant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Other party to the proceedings:* European Commission

#### Form of order sought by the appellant

The appellant claims that the General Court should:

- set aside in its entirety and without exception the order of the Civil Service Tribunal of the European Union of 12 July 2013 in Case F-32/12 *Marcuccio v Commission*;
- refer the case back to the Civil Service Tribunal.

#### Grounds of appeal and main arguments

The appellant relies on two grounds in support of his appeal.

1. First ground of appeal, alleging that Article 14 of the Rules of Procedure of the Civil Service Tribunal is unlawful by reason of tautology and unreasonableness and that there has, in any event, been mistaken, erroneous, misleading and unreasonable interpretation and application of that article, resulting in a serious and manifest infringement of the legally binding principle of natural justice referred to in, inter alia, Article 47 of the Charter of Fundamental Rights of the European Union.
2. Second ground of appeal, alleging a total failure to provide reasons by virtue of, inter alia, a failure to make preliminary inquiries, self-evident, tautologous and arbitrary reasoning, distortion and misrepresentation of the facts, error of law and a manifestly misleading assessment of a procedural fact.