

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 13 August 2013 given in Case R 1189/2012-2;
- Order that the CTM application No 9 232 471 be refused;
- Order the defendant to pay the costs of proceedings.

**Pleas in law and main arguments**

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

*Community trade mark concerned:* The figurative mark containing the verbal element 'GIOVANNI GALLI' for goods and services in Classes 3, 14 and 18 — Community trade mark application No 9 232 471

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

*Mark or sign cited in opposition:* Community trade mark registration No 2 404 283 of the word mark 'GIOVANNI' for goods in Class 3

*Decision of the Opposition Division:* Rejected the opposition in its entirety

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

*Pleas in law:* Infringement of Article 8(1)(b)CTMR.

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**Action brought on 29 October 2013 — Sharp v OHIM (BIG PAD)**

(Case T-567/13)

(2014/C 24/42)

*Language of the case:* English

**Parties**

*Applicant:* Sharp KK (Osaka, Japan) (represented by: G. Macias Bonilla, G. Marín Raigal, P. López Ronda and E. Armero, lawyers)

*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 ~~Fourth~~ Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 August 2013 given in Case R 2131/2012-2;

- Order the defendant to pay the costs of proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* The figurative mark containing the verbal elements 'BIG PAD' for goods and services in Class 9 — Community trade mark application No 10 887 231

*Decision of the Examiner:* Rejected the CTM application

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

*Pleas in law:* Infringement of Articles 7(1)(b) and 7(1)(c) CTMR.

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**Action brought on 28 October 2013 — Bimbo v OHIM — Café' do Brasil (KIMBO)**

(Case T-568/13)

(2014/C 24/43)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Bimbo, SA (Barcelona, Spain) (represented by: N. Fernández Fernández-Pacheco, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Café' do Brasil SpA (Melito di Napoli, Italy)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 August 2013 given in Cases R 636/2012-4 and R 608/2012-4;

- Order the intervener to pay the costs of proceedings.

**Pleas in law and main arguments**

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

*Community trade mark concerned:* The word mark 'KIMBO' for goods and services in Classes 11, 21, 30, 32 and 43 — Community trade mark application No 3 420 973