

Action brought on 4 February 2014 — EE v OHIM (Device of grey pattern)

(Case T-77/14)

(2014/C 135/58)

*Language of the case: English***Parties***Applicant:* EE Ltd (Hatfield, United Kingdom) (represented by: P. Brownlow, Solicitor)*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 the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 24 October 2013 given in Case R 704/2013-1.

Pleas in law and main arguments*Community trade mark concerned:* The figurative trade mark representing a device of grey pattern for goods and services in Classes 7, 9, 16, 25, 35-39, 41, 42 and 45 — Community trade mark application No 11 388 386*Decision of the Examiner:* Found the mark applied for not eligible for registration*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Article 7(1)(b) CTMR.

Action brought on 4 February 2014 — Benediktinerabtei St. Bonifaz v OHIM — Andechser Molkerei Scheitz (Genuß für Leib & Seele KLOSTER Andechs SEIT 1455)

(Case T-78/14)

(2014/C 135/59)

*Language in which the application was lodged: German***Parties***Applicant:* Benediktinerabtei St. Bonifaz Köperschaft des öffentlichen Rechts (Munich, Germany) (represented by: G. Würtenberger and R. Kunze, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Andechser Molkerei Scheitz GmbH (Andechs, Germany)**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) of 14 November 2013 in Case R 1272/2012-1 concerning the opposition proceedings No B 1 754 228 (Community trade mark application No 9 255 811);
- order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the costs.

Pleas in law and main arguments*Applicant for a Community trade mark:* Applicant*Community trade mark concerned:* Figurative mark containing the word elements 'Genuß für Leib & Seele KLOSTER Andechs SEIT 1455' for goods in Class 29 (Community trade mark application No 9 255 811)*Proprietor of the mark or sign cited in the opposition proceedings:* Andechser Molkerei Scheitz GmbH