

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 3 June 2014 (Case R 249/2014-2), concerning an application for registration of the word sign FORTIFY as a Community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Hewlett Packard Development Company LP to bear its own costs and to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).*

⁽¹⁾ OJ C 361, 13.10.2014.

Judgment of the General Court of 3 December 2015 — Infusion Brands v OHIM (DUALSAW)

(Case T-647/14) ⁽¹⁾

(Community trade mark — Application for the Community figurative mark DUALSAW — Absolute grounds for refusal — Partial refusal of registration — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2016/C 027/64)

Language of the case: English

Parties

Applicant: Infusion Brands, Inc. (Myerlake Circle Clearwater, Florida, United States) (represented by: K. Piepenbrink, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by V. Melgar, and subsequently by H. O'Neill and M. Rajh, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 1 July 2014 (Case R 397/2014-4), concerning an application for registration of the figurative sign DUALSAW as a Community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Infusion Brands, Inc. to pay the costs.*

⁽¹⁾ OJ C 380, 27.10.2014.