

**Pleas in law and main arguments**

In support of the appeal, the appellant relies on three pleas in law.

1. First plea in law, alleging that the application of the appellant was admissible and grounded as it respects the correspondence between the pleas, reasons and facts mentioned within the complaint sent during the administrative procedure and the ones presented in detail to the Civil Service Tribunal.
2. Second plea in law, alleging a breach of the principle for access for a fair trial and lack of fair analysis in the pre-litigation phase. The complaint of the appellant during the administrative procedure was rejected by the same person who initially decided to dismiss the appellant.
3. Third plea in law, alleging a breach of the equal treatment principle by the Civil Service Tribunal.

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**Action brought on 31 December 2015 — Sony and Sony Electronics v Commission**

(Case T-762/15)

(2016/C 098/62)

*Language of the case: English*

**Parties**

*Applicants:* Sony Corporation (Tokyo, Japan), and Sony Electronics, Inc (San Diego, United States) (represented by: N. Levy and E. Kelly, Solicitors, and R. Snelders, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul the decision of the Commission of 21 October 2015 in Case AT.39639 — Optical Disk Drives, relating to a proceeding under Article 101 TFEU and Article 53 EEA Agreement, in so far as it relates to the applicants;
- alternatively, in the exercise of its unlimited jurisdiction, reduce the fines imposed on the applicants pursuant to that decision; and
- order the Commission to pay the applicants' legal and other costs and expenses in relation to this matter.

**Pleas in law and main arguments**

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that the contested decision errs in fact and in law in finding that the applicants engaged in an infringement of Article 101 TFEU by object.
  - The evidence cited against the applicants is insufficient to support the finding that the applicants participated in a single and continuous infringement of Article 101 TFEU by object.
  - The decision's alternative finding according to which the applicants engaged in separate infringements of Article 101 TFEU by object is unproven and infringed the applicants' rights of defence because it is made for the first time in the decision.

2. Second plea in law, alleging, in the alternative, that the contested decision errs in fact and law and is based on inadequate reasoning.
  - The decision errs in double-counting revenues that were passed on by the applicants to another addressee of the decision.
  - The decision errs by failing to acknowledge the applicants' substantially more limited conduct as compared to certain other addressees of the decision and thus by failing to apply to the applicants a lower gravity multiplier and lower additional amount and/or a mitigating circumstances discount.
  - The decision errs in imposing a deterrence multiplier.

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**Action brought on 31 December 2015 — Sony Optiarc and Sony Optiarc America v Commission**

**(Case T-763/15)**

(2016/C 098/63)

*Language of the case: English*

**Parties**

*Applicants:* Sony Optiarc, Inc (Atsugi, Japan), and Sony Optiarc America, Inc (San Jose, United States) (represented by: N. Levy and E. Kelly, Solicitors, and R. Snelders, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul the decision of the Commission of 21 October 2015 in Case AT.39639 — Optical Disk Drives, relating to a proceeding under Article 101 TFEU and Article 53 EEA Agreement, in so far as it relates to the applicants;
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