

**Action brought on 16 February 2009 — Meica v OHIM —  
Bösinger Fleischwaren (Schinken King)**

**(Case T-61/09)**

(2009/C 102/33)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co KG (Edewecht, Germany) (represented by: S. Russlies, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Bösinger Fleischwaren GmbH (Bösingen, Germany)

**Form of order sought**

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 11 December 2008 (Case R 1049/2007-1);

— Order OHIM to pay the applicant's costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Bösinger Fleischwaren GmbH

*Community trade mark concerned:* the word mark 'Schinken King' for goods in Classes 29 and 30 (Application No. 3 720 968)

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

*Mark or sign cited in opposition:* the Community word mark 'Curry King' (Community trade mark No 2 885 077) for goods in Class 30 and the German word marks 'Curry King' (No 399 02 969,9) and 'King' (No 304 04 434,2) for goods in Classes 29 and 30

*Decision of the Opposition Division:* Rejection of the opposition

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

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 40/94, <sup>(1)</sup> because there is a likelihood of confusion or at least a likelihood of association between the marks at issue and of Article 74(1) on the ground of inadequate reasoning of the decision.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

**Action brought on 13 February 2009 — Rintisch v OHIM —  
Bariatrix Europe (PROTI SNACK)**

**(Case T-62/09)**

(2009/C 102/34)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Bernhard Rintisch (Bottrop, Germany) (represented by: A. Dreyer, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Bariatrix Europe Inc. SAS (Guilherand Granges, France)

**Form of order sought**

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 December 2008 in case R 740/2008-4; and

— Order OHIM to pay the costs.

**Pleas in law and main arguments**

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