

Action brought on 21 December 2012 — Oracle America/OHMI — Aava Mobile (AAVA MOBILE)**(Case T-554/12)**

(2013/C 63/43)

*Language in which the application was lodged: English***Parties**

Applicant: Oracle America, Inc. (Wilmington, United States) (represented by: M. ²Graf, lawyer)

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

Other party to the proceedings before the Board of Appeal: Aava Mobile Oy (Oulu, Finland)

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 in case R 1205/2011-2 dated October 9, 2012;
- Order the costs of the proceedings to be borne by the defendant.

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 'AAVA MOBILE', for goods and services in classes 9, 38 and 42 — Community trade mark application No 8 715 385)

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

Mark or sign cited in opposition: Community trade mark registration No 6 551 626 for goods and services in classes 9, 16, 35, 37, 38, 41, 42 et 45

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 Articles 8(1)(b) and (5) of Council Regulation No 207/2009.

Action brought on 21 December 2012 — Royalton Overseas/OHIM — SC Romarose Invest (KAISERHOFF)**(Case T-556/12)**

(2013/C 63/44)

*Language in which the application was lodged: English***Parties**

Applicant: Royalton Overseas Ltd (Road Town, British Virgin Islands) (represented by: C. Năstase, lawyer)

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

Other party to the proceedings before the Board of Appeal: SC Romarose Invest Srl (Bucharest, Romania)

Form of order sought

The applicant claim that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trademarks and design) as of October 4, 2012 and Communicated on October 22, 2012 in the case file No R 2535/2011-1.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The figurative mark 'KAISERHOFF', for goods in classes 8 and 21 — Community trade mark registration No 9 242 066

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Romanian trade mark registration No 110 809 of the word mark 'KAISERHOFF' for goods in classes 11, 21 and 35

Decision of the Opposition Division: Upheld the opposition

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Rule 50, corroborated with Rule 20(7) of Regulation No 2868/95 and Articles 76(1) and 42(5) of Council Regulation No 2007/2009.

Action brought on 17 December 2012 — RiskMetrics Solutions/OHIM (RISKMANAGER)**(Case T-557/12)**

(2013/C 63/45)

*Language of the case: English***Parties**

Applicant: RiskMetrics Solutions LLC (New York, United States) (represented by: I. De Freitas, 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 contested decision in its entirety so that Community Trade Mark No 9 446 881 is accepted and proceeds through to publication;
- Order OHMI to pay the appellant's costs in relation to these proceedings.