

— 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: Dubek Ltd

Community trade mark concerned: figurative mark '20 CLASS A FILTER CIGARETTES Mustang' for goods in Class 34 — Community trade mark application No 6 065 098

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

Mark or sign cited in opposition: German word mark and figurative mark 'MUSTANG' for goods in Classes 9, 14, 18 and 25

Decision of the Opposition Division: the opposition was dismissed

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 8(1)(b) and (5) of Regulation (EC) No 207/2009

Action brought on 20 November 2013 — alfavet Tierarzneimittel v OHIM — Millet Innovation (Epibac)

(Case T-613/13)

(2014/C 39/40)

Language in which the application was lodged: German

Parties

Applicant: alfavet Tierarzneimittel GmbH (Neumünster, Germany) (represented by: U. Bender, lawyer)

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

Other party to the proceedings before the Board of Appeal: Millet Innovation SA (Loriol sur Drome, France)

Form of order sought

The applicant claims that the Court should:

— alter the decision of the Fourth Board of Appeal of 6 September 2013 (Case R 1253/2012-4) in such a way that the opposition is rejected, and

— order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: word mark 'Epibac' for goods in Classes 3, 5 and 31 — Community trade mark application No 6861124

Proprietor of the mark or sign cited in the opposition proceedings: Millet Innovation SA

Mark or sign cited in opposition: Word marks 'EPITACT' for goods in Classes 3, 5 and 10

Decision of the Opposition Division: the opposition was upheld in part

Decision of the Board of Appeal: the appeal was dismissed in part

Pleas in law: Infringement of Article 8(1)(a) and (b) of Regulation (EC) No 207/2009.

Action brought on 25 November 2013 — Ratioparts-Ersatzteile v OHIM — Norwood Promotional Products Europe (NORTHWOOD professional forest equipment)

(Case T-622/13)

(2014/C 39/41)

Language in which the application was lodged: German

Parties

Applicant: Ratioparts-Ersatzteile-Vertriebs GmbH (Euskirchen, Germany) (represented by: M. Koch, lawyer)

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

Other party to the proceedings before the Board of Appeal: Norwood Promotional Products Europe, SL (Tarragona, Spain)

Form of order sought

The applicant claims that the Court should:

— alter the decision of the Second Board of Appeal of 11 September 2013 (Case R 1244/2012-2) in such a way that opposition No B 176807 is rejected, and

— order the opponent to pay the costs of the opposition proceedings and the appellant to pay the costs of the appeal proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the figurative mark 'NORTHWOOD' for goods and services in Classes 8, 9, 20, 25 and 35 — Community trade mark application No 9412776

Proprietor of the mark or sign cited in the opposition proceedings: Norwood Promotional Products Europe, SL

Mark or sign cited in opposition: Community word mark 'NORWOOD' for goods in Class 35

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009

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Action brought on 26 November 2013 — TrekStor v OHIM — MSI Technology (MovieStation)

(Case T-636/13)

(2014/C 39/42)

Language in which the application was lodged: German

Parties

Applicant: TrekStor Ltd (Hong Kong, China) (represented by: O. Spieker, lawyer)

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

Other party to the proceedings before the Board of Appeal: MSI Technology GmbH (Frankfurt am Main, Germany)

Form of order sought

The applicant claims that the Court should:

— Alter the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 27 September 2013 (Case R 1914/2012-4) to the effect that MSI Technology GmbH's application of 20 June 2011 for a declaration of invalidity of the Community trade mark 'MovieStation' is rejected and that MSI Technology GmbH is ordered to pay the costs of that application;

— Order the defendant to pay the costs of the action before the Court.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the word mark 'MovieStation' for goods in Class 9 — Community trade mark No 5743257

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity of the Community trade mark: MSI Technology GmbH

Grounds for the application for a declaration of invalidity: Article 52(1)(a) in conjunction with Article 7(1)(b), (c) and (d) of Regulation No 207/2009

Decision of the Cancellation Division: the mark concerned was declared invalid

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009

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Action brought on 2 December 2013 — Sto v OHIM — Fixit Trockenmörtel Holding (CRETEO)

(Case T-640/13)

(2014/C 39/43)

Language in which the application was lodged: German

Parties

Applicant: Sto AG (Stühlingen, Germany) (represented by: K. Kern and J. Sklepek, lawyers)

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

Other party to the proceedings before the Board of Appeal: Fixit Trockenmörtel Holding AG (Baar, Switzerland)

Form of order sought

The applicant claims that the Court should:

— Alter the decision of the Fourth Board of Appeal of OHIM of 25 September 2013 in Case R 905/2012-4 to the effect that the opposition is upheld to the extent put forward in the appeal and Community trade mark application No 9207085 is rejected;

— Order the defendant to pay the costs.