

Decision of the Board of Appeal: Rejected the appeal.

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

Action brought on 1 September 2014 — Red Lemon Incorporation v OHIM — Lidl Stiftung (ABTRONIC)

(Case T-643/14)

(2014/C 380/25)

Language in which the application was lodged: German

Parties

Applicant: Red Lemon Incorporation (Hong Kong, People's Republic of China) (represented by: T. Wieland and S. Müller, lawyers)

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

Other party to the proceedings before the Board of Appeal: Lidl Stiftung & Co. KG (Neckarsulm, Germany)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 May 2014 in Case R 1899/2013-1 and reject the opposition;
- 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: the word mark 'ABTRONIC' for goods in Class 9 — Community trade mark application No 8 184 632

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: the international registration of the word mark 'TRONIC' for goods in Class 9

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 No 207/2009.

Action brought on 2 September 2014 — Infusion Brands v OHMI (DUALSAW)

(Case T-647/14)

(2014/C 380/26)

Language of the case: English

Parties

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

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 decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 1 July 2014 given in Case R 397/2014-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The figurative mark in white, black and green containing the verbal element 'DUALSAW' for goods and services in Classes 7, 8 and 35 — Community trade mark application No 12 027 561

Decision of the Examiner: Partially rejected the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b), (c) and 7(2) of Regulation No 207/2009.

Action brought on 2 September 2014 — Infusion Brands v OHIM (DUALTOOLS)

(Case T-648/14)

(2014/C 380/27)

Language of the case: English

Parties

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

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 decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 1 July 2014 given in Case R 398/2014-4;

— Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The figurative mark in white, black and green containing the verbal element 'DUALTOOLS' for goods and services in Classes 7, 8 and 35 — Community trade mark application No 12 027 496

Decision of the Examiner: Partially rejected the application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b), (c) and 7(2) of Regulation No 207/2009.
