

**Action brought on 18 February 2016 — Pirelli Tyre v EUIPO (two curved stripes on the sidewall of a tyre)**

**(Case T-81/16)**

(2016/C 156/68)

*Language of the case: English*

**Parties**

*Applicants:* Pirelli Tyre SpA (Milan, Italy) (represented by: T. Müller, F. Togo, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

**Details of the proceedings before EUIPO**

*Trade mark at issue:* EU position mark consisting in two curved stripes positioned on the sidewall of a tyre — Application for registration No 13 388 293

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 9 December 2015 in Case R 1019/2015-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

**Pleas in law**

- Infringement of several formal and procedural principles when assessing the absolute grounds;
- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(3) of Regulation No 207/2009.

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**Action brought on 22 February 2016 — Murphy v EUIPO — Nike Innovate**

**(Measuring instruments, apparatus and devices)**

**(Case T-90/16)**

(2016/C 156/69)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Thomas Murphy (Blackrock, Ireland) (represented by: N. Travers, SC, J. Gormley, Barrister, M. O'Connor, Solicitor)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Nike Innovate CV (Beaverton, United States)

**Details of the proceedings before EUIPO**

*Proprietor of the design at issue:* Other party to the proceedings before the Board of Appeal

*Design at issue:* Community design 'measuring instruments, apparatus and devices' — Community design No 2 159 640-0002