

Action brought on 7 March 2017 — Mondi v ACER**(Case T-146/17)**

(2017/C 129/52)

*Language of the case: German***Parties***Applicant:* Mondi AG (Vienna, Austria) (represented by: B. Rajal, lawyer)*Defendant:* Agency for the Cooperation of Energy Regulators (ACER)**Form of order sought**

The applicant claims that the Court should:

- annul the decision given by the Board of Appeal of the defendant on 17 February 2017 in Case A-001-2017 (consolidated) concerning the rejection of the application for leave to intervene lodged by the applicant; and
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law:

1. First plea in law, alleging infringement of Article 11 of the Rules of Procedure of the Board of Appeal of the defendant and infringement of Article 41 of the Charter of Fundamental Rights of the European Union, since the Board of Appeal erred in finding that the applicant had no legitimate interest in the outcome of the appeal proceedings.
2. Second plea in law, alleging infringement of the right to be heard, since the Board of Appeal failed to notify the applicant of the position taken by the defendant in relation to the application made by the applicant for leave to intervene.

Action brought on 8 March 2017 — Asolo v EUIPO — Red Bull (FLÜGEL)**(Case T-150/17)**

(2017/C 129/53)

*Language in which the application was lodged: English***Parties***Applicant:* Asolo LTD (Limassol, Cyprus) (represented by: W. Pors, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Red Bull GmbH (Fuschl am See, Austria)**Details of the proceedings before EUIPO***Proprietor of the trade mark at issue:* Applicant*Trade mark at issue:* EU word mark 'FLÜGEL' — EU trade mark No 637 686*Procedure before EUIPO:* Proceedings for a declaration of invalidity*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 17 November 2016 in Case R 282/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- dismiss the application for a declaration of invalidity;
- order EUIPO and Red Bull to pay the costs.

Pleas in law

- Infringement of Article 54(2) of Regulation No 207/2009;
- Infringement of Article 53(1)(a) in conjunction with Article 8(1)(b) of Regulation No 207/2009.

Action brought on 8 March 2017 — Marriott Worldwide v EUIPO — Graf (Representation of a winged bull)

(Case T-151/17)

(2017/C 129/54)

Language in which the application was lodged: English

Parties

Applicant: Marriott Worldwide Corp. (Bethesda, Maryland, United States) (represented by: A. Reid, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Johann Graf (Gumpoldskirchen, Austria)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark (Representation of a winged bull) — EU trade mark No 10 511 723

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 17 January 2017 in Case R 165/2016-4

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 Article 76(1) of Regulation No 207/2009;