

Action brought on 8 June 2017 — La Zaragozana v EUIPO — Heineken Italia (CERVISIA)**(Case T-378/17)**

(2017/C 256/44)

*Language in which the application was lodged: English***Parties***Applicant:* La Zaragozana, SA (Zaragoza, Spain) (represented by: L. Broschat García, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Heineken Italia SpA (Pollein, Italy)**Details of the proceedings before EUIPO***Applicant:* Other party to the proceedings before the Board of Appeal*Trade mark at issue:* EU figurative mark containing the word element 'CERVISIA' — Application for registration No 13 395 397*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 13 March 2017 in Case R 1241/2016-5**Form of order sought**

The applicant claims that the Court should:

— annul the contested decision.

Plea in law

— Infringement of article 8 (1)(b) of Regulation No 207/2009.

Action brought on 20 June 2017 — Tengelmann Warenhandelsgesellschaft v EUIPO — C & C IP (T)**(Case T-379/17)**

(2017/C 256/45)

*Language in which the application was lodged: English***Parties***Applicant:* Tengelmann Warenhandelsgesellschaft KG (Mülheim an den Ruhr, Germany) (represented by: H. Prange and S. Köber lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* C & C IP Sàrl (Luxembourg, Luxembourg)**Details of the proceedings before EUIPO***Applicant:* Applicant*Trade mark at issue:* EU figurative mark containing the word element 'T' — Application for registration No 011 623 097*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 23 March 2017 in Case R 415/2015-5

Form of order sought

The applicant claims that the Court should:

- set aside the Decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (Trade Marks and designs) ('EUIPO') of 23 March 2017 in the appeal No R 415/2015-5 concerning the opposition proceedings No B 002 256 702 regarding European Union Trade Mark Application No 011 623 097, which was received by the applicant on 12 April 2017, and to amend it to the effect that the opposition is rejected in its entirety;
- order the defendant and, as the case may be, the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, including the costs of the appeal proceedings.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 23 June 2017 — Lackmann Fleisch- und Feinkostfabrik v EUIPO (Лидер)

(Case T-386/17)

(2017/C 256/46)

Language of the case: German

Parties

Applicant: Lackmann Fleisch- und Feinkostfabrik GmbH (Bühl, Germany) (represented by: A. Lingenfelser, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the procedure before EUIPO

Mark at issue: EU figurative mark containing the word element 'Лидер' — Application No 15 466 791

Contested decision: Decision of the First Board of Appeal of EUIPO of 28 April 2017 in Case R 2066/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision.

Plea in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 20 June 2017 — Triggerball v EUIPO (Shape of a ball-like object with edges)

(Case T-387/17)

(2017/C 256/47)

Language of the case: German

Parties

Applicant: Triggerball GmbH (Baiern-Piusheim, Germany) (represented by: H. Emrich, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)