

**Plea in law**

— Infringement of Article 7(1)(b) of Regulation 2017/1001.

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**Action brought on 19 February 2018 — S & V Technologies v EUIPO — Smoothline (Smoothline)**  
**(Case T-103/18)**  
(2018/C 134/51)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* S & V Technologies GmbH (Hennigsdorf, Germany) (represented by: T. Schmitz and M. Breuer, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Smoothline AG (Zurich, Switzerland)

**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 word mark 'Smoothline' — International registration No 958 169 designating the European Union

*Proceedings before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 7 December 2017 in Case R 115/2017-1

**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 Article 95 of Regulation 2017/1001;
- Infringement of Article 7(1)(b) of Regulation 2017/1001;
- Infringement of Article 7(1)(c) of Regulation 2017/1001.

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**Action brought on 22 February 2018 — Fundación Tecnia Research & Innovation v REA**  
**(Case T-104/18)**  
(2018/C 134/52)

*Language of the case: Spanish*

**Parties**

*Applicant:* Fundación Tecnia Research & Innovation (Donostia-San Sebastián, Spain) (representatives: P. Palacios Pesquera and M. Rius Coma, lawyers)

*Defendant:* Research Executive Agency (REA)

**Form of order sought**

The applicant claims that the General Court should:

- Declare the application, and the pleas in law contained therein, admissible;
- Uphold the pleas in law put forward in that application and, accordingly, annul the contested decision stating that the repayment of the amounts corresponding to the tasks performed by TECNALIA is not required;
- Order the REA to pay the costs of the proceedings.

**Pleas in law and main arguments**

The present application has been brought against the outcome of the inter partes financial recovery procedure in respect of the project FP7-SME-2013-605879-FOODWATCH grant agreement. The decision to terminate the FoodWatch grant agreement has its origin in the alleged failure to inform the applicant of the existence of the BreadGuard Project which, in the REA's view, bore strong similarities to the FoodWatch project in terms of objectives, working methods and expected results.

In support of its action, the applicant relies on five pleas in law.

1. The first plea in law, alleging a failure to give reasons for the contested decision because of the failure to take into account the exculpatory evidence highlighted by TECNALIA during the inter partes investigation procedure.
2. The second plea in law, alleging infringement of the content of Annex II to the FoodWatch grant agreement, on account of the defendant's failure to disclose the identity of the independent experts who endorsed the expert reports on which the contested decision was founded, thereby preventing TECNALIA from challenging those reports.
3. The third plea in law, alleging breach of the principle of fault, on account of the defendant's failure to take into account the degree of TECNALIA's involvement in the commission of the facts alleged.
4. The fourth plea in law, alleging breach of the principle of legality, given the correct implementation of the projects and the absence, on TECNALIA's part, of infringement of, or failure to fulfil, the commitments contracted.
5. The fifth plea in law, alleging breach of the principle of proportionality, on account of the failure to take into account the degree of fault on the part of each of the participants in the conduct alleged.

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**Action brought on 22 February 2018 — Deray v EUIPO — Charles Claire (LILI LA TIGRESSE)**

**(Case T-105/18)**

(2018/C 134/53)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* André Deray (Bry-sur-Marne, France) (represented by: S. Santos Rodríguez, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Charles Claire LLP (Weybridge Surrey, United Kingdom)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* EU word mark LILI LA TIGRESSE — Application for registration No 015 064 462

*Procedure before EUIPO:* Opposition proceedings