

3. Third plea in law, alleging that the contested decision errs in finding that the sole preinstallation condition in Google's portfolio-based revenue-sharing agreements was abusive.
4. Fourth plea in law, alleging that the contested decision errs in finding that it was abusive for Google to condition Play and Google Search app licenses on the anti-fragmentation agreement's anti-fragmentation obligations.
 - In this regard, the applicants submit that the contested decision errs in finding that the anti-fragmentation obligations are likely to restrict competition.
 - The applicants further claim that the contested decision fails to take into account that the anti-fragmentation obligations are objectively justified because they ensure compatibility.
5. Fifth plea in law, alleging that the contested decision infringed the applicants' rights of defence.
 - In this regard, the applicants submit that the Commission improperly put its 'as efficient competitor' analysis to the applicants in letters of facts and refused them an oral hearing.
 - The applicants further claim that the Commission infringed the applicants' rights of access to file.
6. Sixth plea in law, alleging that the contested decision errs in imposing a fine and in calculating that fine.
 - In this regard, the applicants submit that the fine is unlawful because it fails to consider Google's lack of intent or negligence.
 - The applicants further claim that the fine is unlawful because it does not respect the principle of proportionality.
 - In the alternative, the applicants also put forward that the contested decision errs in calculating the fine.

**Action brought on 5 October 2018 — Fujifilm Recording Media v EUIPO — iTernity GmbH (d:
ternity)**

(Case T-609/18)

(2018/C 445/27)

Language in which the application was lodged: German

Parties

Applicant: Fujifilm Recording Media GmbH (Kleve, Germany) (represented by: R. Härer, C. Schulze, C. Weber, H. Ranzinger und C. Gehweiler, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: iTernity GmbH (Freiburg, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'd:ternity' — EU trade mark No 11 152 154

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 25 July 2018 in Case R 2324/2017-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, declare that there is no need to adjudicate on the dispute in the main proceedings;

— order EUIPO and the other party to pay the costs incurred before the Court and the Board of Appeal.

Pleas in law

— Infringement of Articles 18 and 64 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 18 October 2018 — Gres de Aragón/EUIPO (GRES ARAGÓN)

(Case T-624/18)

(2018/C 445/28)

Language of the case: Spanish

Parties

Applicant: Gres de Aragón (Alcalñiz, Spain) (represented by: J. Learte Álvarez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union figurative mark GRES ARAGÓN — Application for registration No 16 311 938

Contested decision: Decision of the First Board of Appeal of EUIPO of 16 August 2018 in Case R 2269/2017-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision refusing European Union trade mark application No 16 311 938 GRES ARAGÓN in connection with some of the goods/services covered by the application;
- Resume the processing of the application in respect of all the goods and services covered by the original application;
- order EUIPO to pay the costs.

Plea in law

Infringement of Article 7(1)(b) and (c), and Article 7(2) and (3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 18 October 2018 — mobile.de v EUIPO (Representation of a car in a speech bubble)

(Case T-629/18)

(2018/C 445/29)

Language in which the application was lodged: German

Parties

Applicant: mobile.de GmbH (Dreilinden, Germany) (represented by: T. Lührig, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)