

Action brought on 16 August 2021 — Tinnus Enterprises v EUIPO — Mystic Products Import & Export (Fluid distribution equipment)

(Case T-505/21)

(2021/C 401/20)

Language of the case: English

Parties

Applicant: Tinnus Enterprises LLC (Plano, Texas, United States) (represented by: T. Wuttke, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Mystic Products Import & Export, SL (Badalona, Spain)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant before the General Court

Design at issue: Community design No 1 431 829-0010

Contested decision: Decision of the Third Board of Appeal of EUIPO of 9 June 2021 in Case R 1003/2018-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- alter the contested decision to:
 - allow the applicant's appeal,
 - dismiss in its entirety the invalidity applicant's application ICD 10 296 to declare the contested design invalid,
 - order the invalidity applicant to pay the applicant's costs in front of the Board of Appeal and the Invalidity Division;
- order the invalidity applicant to pay the applicant's fees and costs.

Pleas in law

- Infringement of the principles set forth in the judgment of 24 March 2021, *Lego v EUIPO — Delta Sport Handelskontor* (Building block from a toy building set) (T-515/19, not published, EU:T:2021:155);
 - Infringement of the principles set forth in the judgment of 8 March 2018, *DOCERAM* (C-395/16, EU:C:2018:172);
 - Infringement of Article 8(1) of Council Regulation (EC) No 6/2002;
 - Misinterpretation of patent application EP 3 005 948 A2 and the applicant's multiple design application No. 1 431 829-0001-0010.
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