

Design at issue: Community design No 1 431 829-0007

Contested decision: Decision of the Third Board of Appeal of EUIPO of 5 July 2021 in Case R 1010/2018-3

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 applicants' applications to declare the contested design invalid,
 - order the invalidity applicants to pay the applicant's costs in front of the Board of Appeal and the Invalidity Division;
- order the invalidity applicants 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.

Action brought on 13 September 2021 — Tinnus Enterprises v EUIPO — Mystic Products and Koopman International (Fluid distribution equipment)

(Case T-578/21)

(2021/C 462/63)

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 parties to the proceedings before the Board of Appeal: Mystic Products Import & Export, SL (Badalona, Spain), Koopman International BV (Amsterdam, Netherlands)

Details of the proceedings before EUIPO

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

Design at issue: Community design No 1 431 829-0008

Contested decision: Decision of the Third Board of Appeal of EUIPO of 1 July 2021 in Case R 1009/2018-3

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 applicants' applications to declare the contested design invalid,
 - order the invalidity applicants to pay the applicant's costs in front of the Board of Appeal and the Invalidity Division;
- order the invalidity applicants 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.

Action brought on 15 September 2021 — lastminute v EUIPO — Scai (B Heroes)**(Case T-587/21)**

(2021/C 462/64)

*Language in which the application was lodged: Italian***Parties**

Applicant: lastminute foundation (Chiasso, Switzerland) (represented by: C. De Marchi and D. Contini, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Scai Comunicazione Srl unipersonale (Potenza, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: European Union figurative mark B Heroes in magenta and grey — European Union trade mark No 17 582 891

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 7 July 2021 in Joined Cases R 1245/2020-5 and R 1279/2020-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in so far as the Board of Appeal upheld in part the appeal in Case R 1245/2020-5 and dismissed the appeal in Case R 1279/2020-5;