

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 3 September 2012 in Case R 2279/2011-4;
- Order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the word mark 'SMILECARD' for goods and services in Classes 9, 16 and 40 — Community trade mark application No 9 861 691

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 7(1)(c) of Regulation No 207/2009

Action brought on 9 November 2012 — Grupo Bimbo v OHIM (SANISSIMO)

(Case T-485/12)

(2013/C 26/109)

Language of the case: Spanish

Parties

Applicant: Grupo Bimbo, SAB de CV (Mexico, Mexico) (represented by N. Fernández Fernández-Pacheco, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

The applicant claims that the General Court should find the present application and the accompanying documents to be duly lodged and admissible, take note that an action has been brought against the Decision of 29 August 2012 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) in Case R 1218/2011-2 and, following the appropriate procedural steps, give judgment annulling the abovementioned decision and expressly order the Office to pay the costs and, consequently, register Community trade mark application No 9.274.119 SANISSIMO.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'SANISSIMO' for goods in Classes 29 and 30 — Community trade mark application No 9 274 119

Decision of the Examiner: rejection of the application

Decision of the Board of Appeal: dismissal of the appeal

Pleas in law: infringement of Article 7(1)(b) and (c) of Regulation No 207/2009 and of Article 7(3) of that regulation.

Action brought on 9 November 2012 — Eckes-Granini v OHIM — Panini (PANINI)

(Case T-487/12)

(2013/C 26/110)

Language in which the application was lodged: English

Parties

Applicant: Eckes-Granini Group GmbH (Nieder-Olm, Germany) (represented by: W. Berlit, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Panini SpA (Modena, Italy)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 September 2012 in case R 2393/2011-2; and
- Order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark 'PANINI', for goods in class 32 — Community trade mark application No 8721987

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: Community trade mark registration No 121780 of the word mark 'GRANINI', for inter alia goods in class 32; German trade mark registration No 30315871 of the word mark 'GRANINI' for inter alia goods in class 32

Decision of the Opposition Division: Rejected the opposition in its entirety