

Defendant: European Commission (represented by: D. Bianchi, B. Schima and G. von Rintelen, acting as Agents)

Re:

Application for annulment of Commission Implementing Regulation (EU) No 288/2013 of 25 March 2013 concerning the suspension of the authorisations of the preparation of *Bacillus cereus* var. *toyoi* (NCIMB 40112/CNCM I-1012) as provided for by Regulations (EC) No 256/2002, (EC) No 1453/2004, (EC) No 255/2005, (EC) No 1200/2005, (EC) No 166/2008 and (EC) No 378/2009 (OJ 2013 L 86, p. 15).

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Rubinum, SA to pay the costs.*

⁽¹⁾ OJ C 164, 8.6.2013.

Judgment of the General Court of 21 May 2015 — Nutrexpa v OHIM — Kraft Foods Italia Intellectual Property (Cuétara María ORO)

(Case T-218/13) ⁽¹⁾

(Community mark — Opposition proceedings — Application for Community figurative mark Cuétara María ORO — Earlier Community and national figurative marks ORO — Partial refusal of registration — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 221/13)

Language of the case: Spanish

Parties

Applicant: Nutrexpa, SL (Barcelona, Spain) (represented by: J. Grau Mora, M. Ferrándiz Avendaño and Y. Sastre Canet, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño and V. Melgar, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Kraft Foods Italia Intellectual Property Srl (Milan, Italy) (represented by: A. Masetti Zannini de Concina, M. Bucarelli and G. Petrocchi, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 February 2013 (case R 2455/2011-1), relating to opposition proceedings between Kraft Foods Italia Intellectual Property Srl and Nutrexpa, SL.

Operative part of the judgment

The Court:

1. *Disjoins Case T-218/13 from Case T-217/13 for the purpose of the judgment;*
2. *Dismisses the action;*
3. *Orders Nutrexpa, SL to pay the costs.*

⁽¹⁾ OJ C 189, 29.6.2013.