

Appeal brought on 25 April 2014 by Robert Walton against the order of the Civil Service Tribunal of 27 February 2014 in Case F-32/13, Walton v Commission

(Case T-261/14 P)

(2014/C 235/34)

Language of the case: French

Parties

Appellant: Robert Walton (Oxford, United Kingdom) (represented by F. Moyse, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the Court should:

- set aside the order of the Civil Service Tribunal of 27 February 2014 in Case F-32/13 *Walton v Commission*;
- refer the case back to the Civil Service Tribunal so that it may examine the third plea in law raised in the application initiating proceedings and adjudicate on the two other pleas in accordance with the judgment on appeal;
- order the defendant to pay the costs of the appeal and the proceedings at first instance.

Pleas in law and main arguments

In support of the appeal, the appellant relies on four pleas in law.

1. First plea in law, alleging infringement of Article 36 of the Statute of the Court of Justice of the European Union in that the European Union Civil Service Tribunal did not give reasons for its decision and failed to adjudicate on a plea raised at first instance.
2. Second plea in law, alleging infringement of the principle of *res judicata* in that the Civil Service Tribunal provided an incorrect legal characterisation of the subject-matter of the decisions and judgments cited in relation to the object of the application at first instance.
3. Third plea in law, alleging infringement of the right to a fair trial.
4. Fourth plea in law, alleging infringement of the right of the defence and of legitimate expectations, giving rise to an excusable error on the part of the appellant.

Action brought on 24 April 2014 — Bionecs/OHMI — Fidia Farmaceutici (BIONECS)

(Case T-262/14)

(2014/C 235/35)

Language in which the application was lodged: English

Parties

Applicant: Bionecs GmbH (Munich, Germany) (represented by: M. Knitter, lawyer)

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

Other party to the proceedings before the Board of Appeal: Fidia Farmaceutici SpA (Abano Terme, Italy)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 February 2014 given in Case R 1179/2013-1;