

Action brought on 14 July 2014 — Squeeze Life v OHIM — Evolution Fresh (SQUEEZE LIFE)**(Case T-523/14)**

(2014/C 329/29)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Squeeze Life, SL (Alicante, Spain) (represented by: J. Devaureix, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Evolution Fresh, Inc. (San Bernardino, United States)**Form of order sought**

The applicant claims that the General Court should:

- annul and declare inapplicable the Decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 April 2014 and, consequently, declare that:
 - the party that brought an appeal before the Board of Appeal against the decision of the Opposition Division of OHIM of 20 December 2013 was Squeeze Life, S.L., and not the applicant for a Community trade mark, Evolution Fresh, Inc.;
 - as a consequence of the above, declare final the decision of the Opposition Division of OHIM of 20 December 2013, and therefore, declare Community trade mark application No 11 170 966 'SQUEEZE LIFE' rejected in respect of the goods in Class 32 and, in part, the services in Class 35;
- stay conversion procedure No 8311048, which is pending before the 'Division of Recordals' of OHIM, until final judgment is delivered in the present proceedings, and remit the appropriate communication to the 'Division of Recordals' in order for it to stay the conversion proceedings;
- order the defendant to pay the costs.

Pleas in law and main arguments*Applicant for a Community trade mark:* Evolution Fresh, Inc.*Community trade mark concerned:* Word mark 'SQUEEZE LIFE' for goods and services in Classes 32, 35 and 43 — Community trade mark application No 11 170 966*Proprietor of the mark or sign cited in the opposition proceedings:* Applicant*Mark or sign cited in opposition:* Community and national word marks 'ZUMIT SQUEEZE LIFE' for goods and services in Classes 29, 31, 32 and 35*Decision of the Opposition Division:* Opposition rejected in part*Decision of the Board of Appeal:* Took note of the withdrawal of the Community trade mark application and closed the appeal and opposition proceedings*Pleas in law:*

- Infringement of Article 73 of Regulation No 207/2009;
- Infringement of Article 108 et seq. of Regulation No 207/2009.