

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 24 April 2015 (Case R 712/2014-5), relating to an application for *restitutio in integrum*.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Renfe-Operadora, Entidad Pública Empresarial, to pay the costs.*

⁽¹⁾ OJ C 346, 19.10.2015.

Judgment of the General Court of 6 April 2017 — Metabolic Balance Holding v EUIPO (Metabolic Balance)

(Case T-594/15) ⁽¹⁾

(EU trade mark — Application for the EU figurative mark Metabolic Balance — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2017/C 161/33)

Language of the case: German

Parties

Applicant: Metabolic Balance Holding GmbH (Isen, Germany) (represented by: W. Riegger, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer and J. Németh, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 12 August 2015 (Case R 2156/2014-1), concerning an application for registration of the figurative sign Metabolic Balance as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Metabolic Balance Holding GmbH to bear its own costs and to pay those incurred by EUIPO.*

⁽¹⁾ OJ C 398, 30.11.2015.