

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

(¹) OJ C 273, 6.11.2004.

Judgment of the Court of First Instance of 13 February 2007 — Ontex v OHIM — Curon Medical (CURON)

(Case T-353/04) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark CURON — Opposition by the proprietor of the Community word mark EURON — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2007/C 82/74)

Language of the case: English

Parties

Applicant: Ontex NV (Buggenhout, Belgium) (represented by: M. Du Tré, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard Monguiral, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Curon Medical Inc. (Sunnyvale, California, United States) (represented by: C. Algar and J. Cohen, solicitors, and T. Ludbrook, barrister)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 5 July 2004 (Case R 22/2004-2), relating to opposition proceedings between Ontex NV and Curon Medical, Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

(¹) OJ C 273, 6.11.2004.

Judgment of the Court of First Instance of 13 February 2007 — Petralia v Commission

(Case T-354/04) (¹)

(Officials — Temporary agents — Scientific service — Classification in grade)

(2007/C 82/75)

Language of the case: Italian

Parties

Applicant: Gaetano Petralia (Brussels, Belgium) (represented by: C. Forte, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and C. Loggi, Agents)

Re:

Annulment of the Commission's decision of 7 October 2003 definitively classifying the applicant in grade B5, step 3, and the decision of 13 May 2004 dismissing the applicant's claim.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

(¹) OJ C 262, 23.10.2004.

Judgment of the Court of First Instance of 14 February 2007 — Simões Dos Santos v OHIM

(Case T-435/04) (¹)

(Staff case — OHIM officials and temporary staff — Reports and promotion — Merit points reset at zero and their total recalculated — Transitional arrangements — Action for annulment — Plea of illegality — Non-retroactivity — Principles of legality and legal certainty — Legal basis — Legitimate expectations — Equal treatment)

(2007/C 82/76)

Language of the case: French

Parties

Applicant: Manuel Simões Dos Santos (Madrid, Spain) (represented by: A. Creus Carreras, lawyer)