

11. Eleventh plea in law, alleging infringement of the Treaties and of the legal provisions to be applied in their implementation, as the questions asked in the contested decision are imprecise.
12. Twelfth plea in law, alleging infringement of the Treaties and of the legal provisions to be applied in their implementation.

Action brought on 04 April 2018 — Biolatte v EUIPO (Biolatte)

(Case T-229/18)

(2018/C 190/65)

Language of the case: English

Parties

Applicant: Biolatte Oy (Turku, Finland) (represented by: J. Ikonen, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'Biolatte' — Application for registration No 15 759 319

Contested decision: Decision of the First Board of Appeal of EUIPO of 6 February 2018 in Case R 351/2017-1

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision in its entirety;
- order that the word mark registration should be granted in accordance with Biolatte Oy's application filed on 17 August 2016 (as amended on 28 October 2016).

Plea in law

- Infringement of article 7 (1)(b) of Regulation No 2017/1001.

Action brought on 6 April 2018 — Qualcomm/Commission

(Case T-235/18)

(2018/C 190/66)

Language of the case: English

Parties

Applicant: Qualcomm, Inc. (San Diego, California, United States) (represented by: M. Pinto de Lemos Fermiano Rato, M. Davilla and M. English, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision;
- Annul, or in the alternative, reduce substantially the amount of the fine;
- Order the measures of organisation or inquiry referred to in the application; and

— Order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law.

1. First plea in law, alleging that the contested decision is vitiated by manifest procedural errors;
2. Second plea in law, alleging that the contested decision commits manifest errors of assessment, fails to state reasons and distorts evidence in dismissing Qualcomm's efficiency defence;
3. Third plea in law, alleging that the contested decision commits manifest errors of law and of assessment in finding that the impugned agreements were capable of producing potential anticompetitive effects;
4. Fourth plea in law, alleging that the contested decision commits manifest errors of assessment regarding the definition of the relevant product market and the finding of dominance;
5. Fifth plea in law, alleging that the contested decision commits manifest errors of law and of assessment and fails to state reasons with regard to the duration of the alleged infringement;
6. Sixth plea in law, alleging that the contested decision commits manifest errors of assessment in applying the fining guidelines and infringes the principle of proportionality; and
7. Seventh plea in law, alleging that the contested decision commits manifest errors of assessment in establishing the Commission's jurisdiction and effect on trade between Member States.

Order of the General Court of 10 April 2018 — European Dynamics Luxembourg and Evropaiki Dynamiki v EIF

(Case T-320/17) ⁽¹⁾

(2018/C 190/67)

Language of the case: English

The President of the Ninth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 256, 7.8.2017.
