

Action brought on 22 September 2017 — Dadimer and Others v SRB**(Case T-648/17)**

(2017/C 402/59)

*Language of the case: Spanish***Parties**

Applicants: Dadimer, S.L. (Madrid, Spain) and 11 other applicants (represented by: M. Romero Rey and I. Salama Salama, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

- On the basis of Article 263 TFEU, annul Decision SRB/EES/2017/08 of the Single Resolution Board (SRB) of 7 June 2017 adopting a resolution scheme in respect of the Banco Popular Español, S.A.;
- In accordance with Article 340(2) TFEU and Article 41(3) of the Charter of Fundamental Rights of the European Union, order the Single Resolution Board to pay compensation to the applicants for the harm suffered, in an amount corresponding to the nominal value of the bonds, updated at the date of resolution, and the related default interest accrued from that date up to the date the reimbursement will be made;
- In accordance with Articles 133 and 134 of the Rules of Procedure of the General Court, order the Single Resolution Board to pay the costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.

Action brought on 25 September 2017 — ViaSat v Commission**(Case T-649/17)**

(2017/C 402/60)

*Language of the case: English***Parties**

Applicant: ViaSat, Inc. (Carlsbad, California, United States) (represented by: J. Ruiz Calzado, L. Marco Perpiñà and S. Semey, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the European Commission's implied negative decision of 13 July 2017 resulting from the failure by the Commission to reply within the prescribed time limit to the applicant's confirmatory application of 31 May 2017 in relation to the access to documents request registered on 20 March 2017 under reference GestDem N° 2017/1725;

— order the Commission to pay the costs, including the costs of any intervening parties.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission breached its duty to state reasons under Article 296(2) TFEU.

— The applicant argues in the first place that there has been an absolute failure to state reasons, given the implied refusal of access to the requested document, entitled 'Roadmap of measures towards the compliance of selected and authorised MSS operators with common conditions of Decision 626/2008/EC ⁽¹⁾, including intermediate new steps and corresponding time limits'. To the extent that the Court should consider that the Commission discharged its duty to state reasons already in the refusal letter of 5 May 2017, under Article 7(1) of Regulation 1049/2001 ⁽²⁾, in response to the applicant's initial request, the reasoning therein by way of fiction also being the reasoning of the implicit decision, adopted pursuant to Article 8(3) of that regulation, the applicant requests the Court to consider the subsequent pleas directed at that reasoning.

2. Second plea in law, alleging that the Commission failed to perform a concrete and individual examination of the requested document.

3. Third plea in law, alleging that the Commission failed to state reasons and erroneously applied the exception concerning the protection of commercial interests, as referred to in the first indent of Article 4(2) of Regulation 1049/2001.

4. Fourth plea in law, alleging that the Commission failed to state reasons and erroneously applied the exception concerning the protection of investigations, as referred to in the third indent of Article 4(2) of Regulation 1049/2001.

5. Fifth plea in law, alleging that the Commission erroneously determined there to be no overriding interest within the meaning of Article 4(2) of Regulation 1049/2001.

6. Sixth plea in law, alleging that the Commission erroneously determined that partial access was not possible within the meaning of Article 4(6) of Regulation 1049/2001.

⁽¹⁾ Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS) (OJ 2008 L 172, p. 15).

⁽²⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Action brought on 22 September 2017 — Sata v EUIPO — Zhejiang Auarita Pneumatic Tools (Spray gun for paint)

(Case T-651/17)

(2017/C 402/61)

Language in which the application was lodged: English

Parties

Applicant: Sata GmbH & Co. KG (Kornwestheim, Germany) (represented by: K. Manhaeve, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Zhejiang Auarita Pneumatic Tools Co. Ltd (Zhejiang, China)