

**Order of the General Court of 2 September 2010 —
Schemaventotto v Commission**

(Case T-58/09) ⁽¹⁾

(Action for annulment — Concentrations — Abandonment of an intended concentration — Decision to close the procedure opened under Article 21(4) of Regulation (EC) No 139/2004 — Act not amenable to review — Inadmissibility)

(2010/C 288/78)

Language of the case: Italian

Parties

Applicant: Schemaventotto SpA (Milan, Italy) (represented by: M. Siragusa, G. Scassellati Sforzolini, G. Rizza and M. Piergiovanni, lawyers)

Defendant: European Commission (represented by: V. Di Bucci and É. Gippini Fournier, acting as Agents)

Intervener in support of the applicant: Abertis Infraestructuras, SA (Barcelona, Spain) (represented by: M. Roca Junyent and P. Callol García, lawyers)

Re:

Action for annulment of the decision or decisions allegedly contained in the Commission's letter of 13 August 2008 concerning the proceeding opened under Article 21(4) of Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1) in relation to the concentration between the intervener and Autostrade SpA (Case COMP/M.4388 Abertis v Autostrade)

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Schemaventotto SpA shall bear its own costs and pay those incurred by the European Commission.*
3. *Abertis Infraestructuras, SA shall bear its own costs..*

⁽¹⁾ OJ C 82, 4.4.2009.

**Order of the President of the General Court of
8 September 2010 — Noko Ngele v Commission**

(Case T-15/10 R II R)

(Interim Relief — Application for Interim Measures — New Application — Inadmissibility)

(2010/C 288/79)

Language of the case: French

Parties

Applicant: Mariyus Noko Ngele (Brussels, Belgium) (represented by: F. Sabakunzi, lawyer)

Defendant: European Commission (represented by: A. Bordes, Agent)

Re:

Application for, in essence, a declaration that the Commission minutes of 27 May 2009 ((2009) 1874 final) are unlawful, in so far as it appears therein that the Commission decided to grant legal assistance to one of its former members and to a number of its agents.

Operative part of the order

1. *The application for interim measures is dismissed;*
2. *The costs are reserved.*

**Action brought on 23 July 2010 — Hartmann-Lamboy v
OHIM — Diptyque (DYNIQUE)**

(Case T-305/10)

(2010/C 288/80)

Language in which the application was lodged: German

Parties

Applicant: Marlies Hartmann-Lamboy (Westerburg, Germany) (represented by: R. Loos, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: DIPTYQUE SAS (Paris, France)

Form of order sought

— Annul, in part, the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 7 May 2010 in Case R 1217/2009-1 or amend it in so far as the applicant was unsuccessful;

— order the Office for Harmonisation in the Internal Market to pay the costs of the opposition proceedings, the appeal and the proceedings before the General Court.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Word mark DYNIQUE for goods and services in classes 3, 41 and 44.

Proprietor of the mark or sign cited in the opposition proceedings: DIPTYQUE SAS

Mark or sign cited in opposition: Word mark DIPTYQUE for goods and services in classes 3, 4 and 35

Decision of the Opposition Division: The opposition was upheld.

Decision of the Board of Appeal: The appeal was dismissed in part.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009 ⁽¹⁾ since there is no likelihood of confusion between the marks at issue.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 3 August 2010 — Chabou v OHIM — Chalou Kleiderfabrik (CHABOU)

(Case T-323/10)

(2010/C 288/81)

Language in which the application was lodged: German

Parties

Applicant: Chickmouza Chabou (Rheine, Germany) (represented by: K.-J. Triebold, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Chalou Kleiderfabrik GmbH (Herschweiler-Pettersheim, Germany)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 May 2010 in Case R 1165/2009-1 or amend that decision and reject the opposition

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Word mark CHABOU for goods in class 25.

Proprietor of the mark or sign cited in the opposition proceedings: Chalou Kleiderfabrik GmbH.

Mark or sign cited in opposition: Word mark Chalou, registered as a national and international trade mark for goods in class 25.

Decision of the Opposition Division: The opposition was upheld.

Decision of the Board of Appeal: The appeal was dismissed.