

Judgment of the Court of First Instance of 4 September 2008 — Gualtieri v Commission

(Case T-413/06 P) ⁽¹⁾

(Appeal — Seconded National Expert — Order for referral — Decision against which an appeal may be lodged — Inadmissibility)

(2008/C 272/46)

Language of the case: Italian

Parties

Applicant: Claudia Gualtieri (Brussels, Belgium) (represented by: P. Gualtieri and M. Gualtieri, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall, acting as Agent, and G. Faedo, lawyer)

Re:

Appeal brought against the order of the Civil Service Tribunal (First Chamber) of 9 October 2006 in Case F-53/06 *Gualtieri v Commission*, not yet published in the ECR, and seeking the annulment of that order

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Ms Claudia Gualtieri to bear her own costs and to pay the costs incurred by the Commission in the appeal proceedings.

⁽¹⁾ OJ C 42, 24.2.2007.

Judgment of the Court of First Instance of 10 September 2008 — Alcon v OHIM — *Acri.Tec (BioVisc)

(Case T-106/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark BioVisc — Earlier international word marks PROVISC and DUOVISC — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 272/47)

Language of the case: English

Parties

Applicant: Alcon Inc. (Hünenberg, Switzerland) (represented by: M. Graf and R. Schulz, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by S. Laitinen, and subsequently by A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: *Acri.Tec AG Gesellschaft für ophthalmologische Produkte (Hennigsdorf, Germany) (represented by: M. von Welser, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 8 February 2007 (Case R 660/2006-2) concerning opposition proceedings between Alcon Inc. and *Acri.Tec AG Gesellschaft für ophthalmologische Produkte.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Alcon Inc. to pay the costs.

⁽¹⁾ OJ C 129, 9.6.2007.

Judgment of the Court of First Instance of 8 September 2008 — Kerstens v Commission

(Case T-222/07 P) ⁽¹⁾

(Appeal — Civil Service — Officials — Career development report — Time limit for lodging a complaint — Lateness — Appeal not founded)

(2008/C 272/48)

Language of the case: French

Parties

Appellant: Petrus Kerstens (Overijse, Belgium) (represented by: C. Mourato, lawyer)

Other party to the proceedings: Commission of the European Communities (represented by: D. Martin and K. Herrmann, acting as Agents)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal (Second Chamber) on 25 April 2007 in Case F-59/06 *Kerstens v Commission*, not yet published in the ECR, and seeking annulment of that order