

Form of order sought

- annul the decision of the First Board of Appeal of OHIM of 17 July 2008 in Case R 666/2008-1 concerning the applicant;
- order OHIM to pay the costs

Pleas in law and main arguments

Community trade mark concerned: Figurative mark 'Superleggera' (Community trade mark application No 5.456.207) for goods in Classes 12, 18 and 25.

Decision of the Examiner: Refusal of the application for registration, having noted that the mark in question consists of the adjective 'superleggera' and that that will therefore be understood as a descriptive indication of the weight of goods.

Decision of the Board of Appeal: Dismissal of the appeal.

Pleas in law: Infringement of Articles 7(1)(b), 73 and 74 of Regulation (EC) No 40/94 on the Community trade mark.

**Order of the Court of First Instance of 9 October 2008 —
Stephens v Commission**

(Case T-438/03) ⁽¹⁾

(2008/C 313/96)

Language of the case: French

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

⁽¹⁾ OJ C 47, 21.2.2004.