

Order of the Court of First Instance of 16 December 2008
— Gaedertz v OHIM — Living Byte Software
(GlobalRemote)

(Case T-209/07) ⁽¹⁾

*(Community trade mark — Application for a declaration of
 invalidity — Withdrawal of the application for a declaration
 of invalidity — No need to adjudicate)*

(2009/C 55/47)

Language of the case: German

Parties

Applicant: Johann-Christoph Gaedertz (Frankfurt am Main, Germany) (represented by: E.M. Gerstenberg, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: B. Schmidt, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Living Byte Software GmbH (Munich, Germany) (represented by: A. Freifrau von Welsler, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 April 2007 (Case R 272/2005-4) relating to invalidity proceedings between Mr Johann-Christoph Gaedertz and Living Byte Software GmbH

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *The applicant and the intervener are ordered to bear their own costs.*
3. *The applicant is ordered to pay the defendant's costs.*

⁽¹⁾ OJ C 183, 4.8.2007.

Order of the Court of First Instance of 18 December 2008
— Thierry v Commission

(Case T-223/07 P) ⁽¹⁾

(Appeal — Civil service — Officials — Promotion — 2004 promotion procedure — Dismissal of an application for a witness to be examined — Appeal manifestly inadmissible)

(2009/C 55/48)

Language of the case: French

Parties

Appellant: Michel Thierry (Luxembourg, Luxembourg) (represented by: F. Frabetti, lawyer)

Other party to the proceedings: Commission of the European Communities (represented by: C. Berardis-Kayser and D. Martin, acting as Agents)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal (Second Chamber) of 16 April 2007 in Case F-82/05 *Thierry v Commission*, not yet published in the ECR, and requesting that that order be set aside.

Operative part of the order

1. *The appeal is dismissed.*
2. *Mr Michel Thierry is ordered to pay his own costs as well as those incurred by the Commission in the context of the present appeal.*

⁽¹⁾ OJ C 199, 25.8.2007.

Order of the Court of First Instance of 16 December 2008
— Italy v Parliament and Commission

(Case T-285/07) ⁽¹⁾

(Procedural step — Objection of inadmissibility — Partial inadmissibility of the action — Non-attributability of the contested measure to the Parliament)

(2009/C 55/49)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: I. Bruni, acting as Agent, assisted by P. Gentili, lawyer)