

Commission to dismiss the applicant's administrative appeal of 2 December 2007 in the context of that tendering procedure and, secondly, APPLICATION for compensation for the harm allegedly suffered as a result of the alleged unlawful omissions on the part of the Commission.

Operative part of the order

1. *The action is dismissed.*
2. *infeurope shall bear its own costs and pay those incurred by the Commission.*
3. *It is not necessary to rule on the application to intervene submitted by European Dynamics SA.*
4. *infeurope, the Commission and European Dynamics shall bear their own costs in connection with the application to intervene.*

(¹) OJ C 171, of 5.7.2008.

Order of the Court of First Instance of 9 July 2009 — infeurope v Commission

(Case T-188/08) (¹)

(Action for declaration of failure to act, for annulment and for damages — Public service contracts — Call for tenders concerning consultancy, audit and study services for OHIM — Administrative appeal before the Commission — Implied Commission decision to dismiss — New claims — Connection between the action for a declaration of failure to act and the action for damages — Manifest inadmissibility)

(2009/C 233/28)

Language of the case: English

Parties

Applicant: infeurope (Luxembourg, Luxembourg) (represented by: O. Mader, lawyer)

Defendant: Commission of the European Communities (represented by: N. Bambara and E. Manhaeve, acting as Agents)

Re:

First, APPLICATION for a declaration that the Commission failed to act in that it unlawfully failed to annul the decision to award framework contracts following the call for tenders procedure AO/026/06 of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) for the provision of consultancy services, audits and studies, and to terminate the specific contracts concluded under those framework contracts and, in the alternative, APPLICATION for annulment of the alleged implied decision of the Commission to dismiss the applicant's administrative appeal of 13 December

2007 in the context of that tendering procedure and, secondly, APPLICATION for compensation for the harm allegedly suffered as a result of the alleged unlawful omissions on the part of the Commission.

Operative part of the order

1. *The action is dismissed.*
2. *infeurope is ordered to pay the costs.*

(¹) OJ C 171, of 5.7.2008.

Order of the Court of First Instance of 14 July 2009 — Hoo Hing v OHIM — Tresplain Investments (Golden Elephant Brand)

(Case T-300/08) (¹)

(Community trade mark — Invalidity proceedings — Article 63(4) of Regulation (EC) No 40/94 (now Article 65(4) of Regulation (EC) No 207/2009) — Act which upheld the applicant's claims in their entirety — Inadmissibility)

(2009/C 233/29)

Language of the case: English

Parties

Applicant: Hoo Hing Holdings Ltd (Romford, Essex, United Kingdom) (represented by: M. Edenborough, barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Novais Gonçalves, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Tresplain Investments Ltd (Tsing Yi, Hong Kong) (represented by: D. McFarland, barrister)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 May 2008 (case R 889/2007-1) relating to invalidity proceedings between Hoo Hing Holdings Ltd and Tresplain Investments Ltd.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Hoo Hing Holdings Ltd is ordered to pay the costs.*

(¹) OJ C 247, 27.9.2008.