

were combined into a joint venture (Case COMP/M.3333 — Sony/BMG), adopted following the annulment by the judgment delivered in Case T-464/04 *Impala v Commission* [2006] ECR II-2289 of Commission Decision 2005/188/EC of 19 July 2004 declaring a concentration compatible with the common market and the functioning of the EEA Agreement (Case COMP/M.3333 — Sony/BMG) (OJ 2005 L 62, p. 30).

#### Operative part of the order

1. *There is no longer any need to adjudicate on the present action.*
2. *Independent Music Publishers and Labels Association (Impala, association internationale) shall bear its own costs and those of the Commission of the European Communities.*
3. *Bertelsmann AG and Sony Corporation of America shall bear their own costs.*

<sup>(1)</sup> OJ C 197, 2.8.2008.

#### Order of the Court of First Instance of 9 September 2009 — *Wrigley v OHIM — Mejerigaarden (POLAR ICE)*

(Case T-256/08) <sup>(1)</sup>

**(Community trade mark — Opposition — Withdrawal of the opposition — No need to adjudicate)**

(2009/C 282/94)

*Language of the case: English*

#### Parties

*Applicant:* Wm. Wrigley Jr. Company (Chicago, United States) (represented by: M. Kinkeldey, S. Schäffler and A. Bognár, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: W. Verburg, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Mejerigaarden Holding A/S (Thisted, Denmark) (represented by: A. Ellermann Holmbom, lawyer)

#### Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 15 April 2008 (Case R 845/2006-2) relating to opposition proceedings between Mejerigaarden Holding A/S and Wm. Wrigley Jr. Company.

#### Operative part of the order

1. *There is no further need to adjudicate on the action;*
2. *The applicant is ordered to bear its own costs and to pay those incurred by the defendant;*
3. *The intervener is ordered to bear its own costs.*

<sup>(1)</sup> OJ C 209, 15.8.2008.

#### Action brought on 4 September 2009 — *mtronix v OHIM — Growth Finance (mtronix)*

(Case T-353/09)

(2009/C 282/95)

*Language in which the application was lodged: German*

#### Parties

*Applicant:* mtronix OHG (Berlin, Germany) (represented by: M. Schnetzer, 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:* Growth Finance AG

#### Form of order sought

- annul the contested decision of the Fourth Board of Appeal of OHIM of 23 June 2009 in Case R 1557/2007-4;
- alter the contested decision so that the opposition of Growth Finance AG is not upheld, in the alternative, that that opposition is dismissed and Application No 4 193 661 for the services in Class 9 is upheld and the application is continued also for that class;
- order the intervener to pay the costs of the proceedings, including those incurred during the appeal proceedings;
- in the alternative, order OHIM to pay the costs of the proceedings, including those incurred during the appeal proceedings.

#### Pleas in law and main arguments

*Applicant for a Community trade mark:* mtronix OHG

*Community trade mark concerned:* The word mark 'mtronix' for goods in Classes 9 and 10 (Application No 4 193 661)