

**Order of the General Court of 6 July 2010 — PAGO International v OHIM — Tirol Milch (Pago)**

(Case T-349/09) <sup>(1)</sup>

*(Community trade mark — Proceedings for revocation — Revocation of the decision of the Board of Appeal — Disappearance of the subject-matter of the proceedings — No need to adjudicate)*

(2010/C 234/66)

Language of the case: German

**Parties**

*Applicant:* PAGO International GmbH (Klagenfurt, Austria) (represented by: C. Hauer and C. Schumacher, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court:* Tirol Milch reg. Gen. mbH Innsbruck (Innsbruck, Austria)

**Re:**

Action for annulment brought against the decision of the Fourth Board of Appeal of OHIM of 1 July 2009 (Case R 864/2008-4) concerning revocation proceedings between Tirol Milch reg. Gen. mbH Innsbruck and PAGPO International GmbH

**Operative part of the order**

1. *There is no longer any need to adjudicate on the action.*
2. *The Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) is ordered to pay the costs.*

<sup>(1)</sup> OJ C 267, 7.11.2009.

**Order of the General Court of 6 July 2010 — Marcuccio v Court of Justice**

(Case T-401/09) <sup>(1)</sup>

*(Action for annulment — Rejection by the Court of Justice of a request for compensation — Action for damages — Service of an appeal to the applicant's former representative — Absence of harm — Action in part manifestly inadmissible and in part manifestly devoid of any basis in law)*

(2010/C 234/67)

Language of the case: Italian

**Parties**

*Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Defendant:* Court of Justice of the European Union (represented by: A. Placco, acting as Agent)

**Re:**

Firstly, an action for annulment of the alleged rejection by the Court of Justice of the applicant's request for damages by way of compensation for the damage suffered by the applicant as a result of an alleged irregularity in service on him of an appeal in Case T-20/09 P and, secondly, an action for damages

**Operative part of the order**

1. *The action is dismissed.*
2. *Mr Luigi Marcuccio is ordered to pay the costs.*
3. *There is no need to adjudicate on the application of the European Commission for leave to intervene.*

<sup>(1)</sup> OJ C 297, 5.12.2009.