

**Order of the Court of First Instance of 20 April 2009 —
Murnauer Markenvertrieb v OHIM — Fitne Gesundheit
und Wellness (Notfall Bonbons)**

(Case T-372/08) ⁽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 167/22)

Language of the case: German

Parties

Applicant: Murnauer Markenvertrieb GmbH (Trebur, Germany)
(represented by: H. Daniel and O.I. Haleen, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM
intervening before the Court of First Instance:* Fitne Gesundheit und
Wellness GmbH (Salzhemmendorf, Germany) (represented by:
M. De Zorti, T. Grimm and M. Koch, lawyers)

Re:

Action brought against the decision of the First Board of Appeal
of OHIM of 10 July 2008 (Case R 909/2007-1) relating to
invalidity proceedings between Murnauer Markenvertrieb
GmbH and Fitne Gesundheit und Wellness GmbH.

Operative part of the order

1. *There is no need to adjudicate on the action.*
2. *Murnauer Markenvertrieb GmbH and Fitne Gesundheit und
Wellness GmbH are ordered to pay their own costs, and half
each of the costs of the Office for Harmonisation in the
Internal Market (Trade Marks and Designs).*

⁽¹⁾ OJ C 313, 6.12.2008.

**Order of the Court of First Instance of 23 April 2009 —
New Europe v Commission of the European Communities**

(Case T-383/08) ⁽¹⁾

**(Formal inadmissibility of the application — Name of the
applicant — Legal person governed by private law —
Authority — Manifest inadmissibility — Intervention)**

(2009/C 167/23)

Language of the case: English

Parties

Applicant: New Europe (Brussels, Belgium) (represented by: A.-M.
Alamanou, lawyer)

Defendant: Commission of the European Communities

Re:

Application for annulment of the Commission decision taken in
the form of a letter of 2 July 2008 refusing to inform the
applicant of the names of the companies and persons cited in
the documents disclosed by the Commission relating to the
'Eximo' case,

Operative part of the order

1. *The application is dismissed as being inadmissible.*
2. *The applicant shall bear its own costs.*
3. *There is no need to rule on the application for leave to intervene
submitted by the European Data Protection Supervisor.*

⁽¹⁾ OJ C 301 of 22.11.2008.

**Order of the Court of First Instance of 21 April 2009 —
Winzer Pharma v OHIM — Alcon (OFTAL CUSI)**

(Case T-462/08) ⁽¹⁾

**(Community trade mark — Annulment of the decision of the
Board of Appeal — No need to adjudicate)**

(2009/C 167/24)

Language of the case: Spanish

Parties

Applicant: Dr. Robert Winzer Pharma GmbH (Berlin, Germany)
(represented by: S. Schneller, 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
intervening before the Court of First Instance:* Alcon Inc.
(Hünenberg, Switzerland) (represented by: J. Isern Jara and M.
Vidal-Quadras Trias de Bes, lawyers)

Re:

Action brought against the decision of the Board of Appeal of
OHIM of 17 July 2008 (case R 1471/2007-1), relating to
opposition proceedings between Dr. Robert Winzer Pharma
GmbH and Alcon Inc.

Operative part of the order

1. *There is no longer any need to adjudicate in the action.*
2. *The defendant is ordered to bear its own costs and the costs
incurred by the applicant.*
3. *The intervener is ordered to bear its own costs.*

⁽¹⁾ OJ C 327 of 20.12.2008.