

**Judgment of the General Court of 8 July 2010 — Engelhorn v OHIM — The Outdoor Group (peerstorm)**(Case T-30/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark peerstorm — Earlier Community and national word marks PETER STORM — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Genuine use of the earlier marks — Articles 15 and 43(2) of Regulation No 40/94 (now Articles 15 and 42(2) of Regulation No 207/2009))*

(2010/C 234/61)

Language of the case: English

**Parties**

*Applicant:* Engelhorn KGaA (Mannheim, Germany) (represented by: W. Göpfert and K. Mende, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Folliard-Monguiral, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* The Outdoor Group Ltd (Northampton, United Kingdom) (represented by: M. Edenborough, Barrister)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of OHIM of 28 October 2008 (Case R 167/2008-5), relating to opposition proceedings between The Outdoor Group Ltd and Engelhorn KGaA.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Engelhorn KGaA to bear its own costs and to pay those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and of The Outdoor Group Ltd.

<sup>(1)</sup> OJ C 82, 4.4.2009.

**Judgment of the General Court of 8 July 2010 — Sevenier v Commission**(Case T-368/09 P) <sup>(1)</sup>

*(Appeal — Civil service — Officials — Resignation — Commission's refusal to accept the withdrawal of the resignation and refer the matter to the invalidity committee — Time-limit for complaint — Lateness — No excusable error)*

(2010/C 234/62)

Language of the case: French

**Parties**

*Appellant:* Roberto Sevenier (Paris, France) (represented by: É. Boigelot and L. Defalque, lawyers)

*Other party to the proceedings:* European Commission (represented by: J. Currall and D. Martin, Agents)

**Re:**

Appeal against the order of 8 July 2009 of the European Union Civil Service Tribunal (Third Chamber) in Case F-62/08 *Sevenier v Commission* (not yet published in the ECR) to have that order set aside

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Mr Roberto Sevenier to bear his own costs and to pay those incurred by the European Commission on the appeal.

<sup>(1)</sup> OJ C 282, 21.11.2009.

**Order of the General Court of 14 July 2010 — Deutsche Post v Commission**(Case T-570/08) <sup>(1)</sup>

*(Action for annulment — State aid — Information injunction — Non-actionable measure — Inadmissibility)*

(2010/C 234/63)

Language of the case: German

**Parties**

*Applicant:* Deutsche Post AG (Bonn, Germany) (represented by: J. Sedemund and T. Lübbig, lawyers)

*Defendant:* European Commission (represented by: B. Martenczuk, Agent)

**Re:**

Application for the annulment of the decision contained in the Commission's letter of 30 October 2008, requiring information to be provided in the proceedings relating to State aid to Deutsche Post AG (C 36/2007 (ex NN 25/2007)).

**Operative part of the order**

1. *The action is dismissed as inadmissible.*
2. *Deutsche Post AG shall pay the costs.*

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<sup>(1)</sup> OJ C 55, 7.3.2009.

**Order of the General Court of 14 July 2010 — Germany v Commission**

(Case T-571/08) <sup>(1)</sup>

**(Action for annulment — State aid — Information injunction — Non-actionable measure — Inadmissibility)**

(2010/C 234/64)

*Language of the case: German*

**Parties**

*Applicant:* Federal Republic of Germany (represented by: M. Lumma and B. Klein, Agents)

*Defendant:* European Commission (represented by: B. Martenczuk, Agent)

**Re:**

Application for the annulment of the decision contained in the Commission's letter of 30 October 2008, requiring information to be provided in the proceedings relating to State aid to Deutsche Post AG (C 36/2007 (ex NN 25/2007)).

**Operative part of the order**

1. *The action is dismissed as inadmissible.*

2. *The Federal Republic of Germany shall pay the costs.*

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<sup>(1)</sup> OJ C 55, 7.3.2009.

**Order of the General Court of 8 July 2010 — Marcuccio v Commission**

(Case T-166/09 P) <sup>(1)</sup>

**(Appeal — Civil Service — Officials — Order of referral — Decision which cannot be the object of an appeal — Action for damages — Pre-litigation procedure — Procedural defects — Appeal in part manifestly inadmissible and in part manifestly unfounded)**

(2010/C 234/65)

*Language of the case: Italian*

**Parties**

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

*Other party to the proceedings:* European Commission (represented by: J. Currall and C. Berardis-Kayser, acting as Agents, and A. dal Ferro, lawyer)

**Re:**

Appeal lodged against the order of the European Union Civil Service Tribunal (First Chamber) of 18 February 2009 in Case F-70/07 Marcuccio v Commission ECR-SC 0000, seeking the annulment of that order

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Mr Luigi Marcuccio shall bear his own costs and pay those incurred by the European Commission in the present proceedings.*

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<sup>(1)</sup> OJ C 141, 20.6.2009.