

*Other party to the proceedings:* European Commission (represented by: J. Currall and E. Eggers, Agents); and Council of the European Union (represented by: K. Zieléskiewicz and M. Bauer, Agents)

**Re:**

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) in Case F-9/08 *Rosenbaum v Commission*, judgment of 10 September 2009, not published in the ECR, asking for that judgment to be set aside.

**Operative part of the order**

*The Court:*

1. *Dismisses the appeal.*
2. *Orders Mr Eckehard Rosenbaum to bear his own costs and to pay those incurred by the European Commission in the present proceedings.*
3. *Orders the Council of the European Union to bear its own costs.*

(<sup>1</sup>) OJ C 11, 16.1.2010.

**Order of the General Court of 21 June 2011 — Marcuccio v Commission**

(Case T-12/10 P) (<sup>1</sup>)

*(Appeal — Civil service — Officials — Reimbursement of expenses — Note of the Commission informing the applicant of its intention to make a deduction from his invalidity allowance — Lack of any measure adversely affecting the appellant — Appeal in part manifestly inadmissible and in part manifestly unfounded)*

(2011/C 238/28)

*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 brought against the order of the European Union Civil Service Tribunal (First Chamber) of 29 October 2009 in Case F-94/08 *Marcuccio v Commission*, not yet published in the ECR, 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 at the present instance.*

(<sup>1</sup>) OJ C 63, 13.3.2010.

**Order of the General Court of 27 June 2011 — Amecke Fruchtsaft v OHIM — Uhse (69 Sex up)**

(Case T-125/10) (<sup>1</sup>)

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

(2011/C 238/29)

*Language of the case: German*

**Parties**

*Applicant:* Amecke Fruchtsaft GmbH & Co. KG (Menden, Germany) (represented by: R. Kaase and J.-C. Plate, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner and subsequently S. Schäffner and B. Schmidt, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Beate Uhse Einzelhandels GmbH (Flensburg, Germany) (represented by: W. Berlit, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 12 January 2010 (Case R 612/2009-1) concerning opposition proceedings between Beate Uhse Einzelhandels GmbH and Amecke Fruchtsaft GmbH & Co. KG.

**Operative part of the order**

1. *There is no longer any need to adjudicate.*
2. *The applicant shall pay the costs.*

(<sup>1</sup>) OJ C 148, 5.6.2010.

**Order of the General Court of 20 June 2011 — Marcuccio v Commission**

(Case T-256/10 P) (<sup>1</sup>)

*(Appeal — Civil Service — Officials — Removal of personal effects — Implied and express rejection of the appellant's requests — Duty to state reasons — Appeal in part manifestly inadmissible and in part manifestly unfounded)*

(2011/C 238/30)

*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 brought against the order of the European Union Civil Service Tribunal (First Chamber) of 25 March 2010 in Case F-102/08 *Marcuccio v Commission*, not yet published in the ECR, 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 at the present instance.*

(<sup>1</sup>) OJ C 221, 14.8.2010.

**Action brought on 19 April 2011 — J v Parliament**

(Case T-160/10)

(2011/C 238/31)

*Language of the case: German*

**Parties**

*Applicant:* J (Marchtrenk, Austria) (represented by: A. Auer, Rechtsanwalt)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Petitions Committee of the European Parliament of 2 March 2010, whereby the applicant's Petition No 1673/2009 of 19 November 2009 was dismissed;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant seeks annulment of the decision of the Petitions Committee of the European Parliament of 2 March 2010, whereby his petition concerning the alleged confiscation of various documents and works by Austrian officials was dismissed.

In support of his action, the applicant claims that his right to the admission of his petition has been infringed. The confiscation of the works by the Austrian authorities constituted an infringement of the right to property under Article 6(1) TFEU and Articles 17(1) and 51(1) of the The Charter of Fundamental Rights of the European Union.

**Action brought on 2 May 2011 — Fraas v OHIM (Dark grey, light grey, light blue, dark blue, ochre and beige coloured checked pattern)**

(Case T-231/11)

(2011/C 238/32)

*Language of the case: German*

**Parties**

*Applicant:* V. Fraas GmbH (Helmbrechts-Wüstenselbitz, Germany) (represented by R. Kunze and G. Würtenberger, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of 4 March 2011 in Case R 2041/2010-4 relating to Community trade mark application No 008 423 626 (figurative mark);
- Order the Office for Harmonisation in the Internal Market to pay the costs.

**Pleas in law and main arguments**

*Community trade mark concerned:* Figurative mark representing a dark grey, light grey, light blue, dark blue, ochre and beige coloured checked pattern for goods in Classes 18, 24, and 25 — application No 8 423 626.

*Decision of the Examiner:* Partial rejection of the application

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Infringement of Article 7(1)(b) in conjunction with Article 7(2) of Regulation No 207/2009, as the Community trade mark at issue has distinctive character, and infringement of Articles 75 and 76 of Regulation No 207/2009, as the Board of Appeal did not examine the extensive factual and legal submissions of the applicant.

**Action brought on 13 May 2011 — FairWild Foundation v OHIM — Wild (FAIRWILD)**

(Case T-247/11)

(2011/C 238/33)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* FairWild Foundation (Weinfeld, Switzerland) (represented by: P. Neuwald and S. Müller, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)