

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Johann Heinrich Bornemann GmbH — Geschäftsbereich Kunststofftechnik Obernkirchen (Obernkirchen, Germany) (represented by: A. Oldekop, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 April 2011 (Case R 1802/2010-2), relating to opposition proceedings between Johann Heinrich Bornemann GmbH — Geschäftsbereich Kunststofftechnik Obernkirchen and Evonik Industries AG.

Operative part of the order

1. *There is no need to adjudicate on the action.*
2. *The applicant and the intervener shall bear their own costs and shall each pay half of the costs incurred by the defendant.*

(¹) OJ C 269, 10.9.2011.

Order of the General Court of 6 December 2012 — Spa Monopole v OHIM — Royal Mediterranea (THAI SPA)

(Case T-664/11) (¹)

(Community trade mark — Opposition proceedings — Limitation of services covered by the Community trade mark application — No need to adjudicate)

(2013/C 32/28)

Language of the case: French

Parties

Applicant: Spa Monopole, compagnie fermière de Spa SA/NV (Spa, Belgium) (represented by: L. de Brouwer, E. Cornu and É. De Gryse, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Royal Mediterranea, SA (Madrid, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 October 2011 (Case R 1976/2010-4) relating to opposition proceedings between Spa Monopole, compagnie fermière de Spa SA/NV and Royal Mediterranea, SA.

Operative part of the order

1. *There is no need to adjudicate on the action.*
2. *Each party shall bear its own costs.*

(¹) OJ C 65, 3.3.2012.

Action brought on 12 November 2012 — von Storch and Others v ECB

(Case T-492/12)

(2013/C 32/29)

Language of the case: German

Parties

Applicants: Sven A. von Storch (Berlin, Germany) and 5 216 others (represented by: M. Kerber and V. von Storch)

Defendant: European Central Bank

Form of order sought

The applicants claim that the General Court should:

- declare the decisions of the European Central Bank of 6 September 2012 on a number of technical features regarding the Eurosystem's outright transactions in secondary sovereign bond markets incompatible with Articles 123 to 125 TFEU, declare the legal effect referred to in Article 264 TFEU and prevent further implementation;
- declare the decision of the European Central Bank of 6 September 2012 on additional measures to preserve collateral availability for counterparties in order to maintain their access to the Eurosystem's liquidity-providing operators incompatible with Articles 123 to 125 TFEU, declare the legal effect referred to in Article 264 TFEU and prevent further implementation;
- in accordance with Article 87(2) of the Rules of Procedure, order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on the following pleas in law.

1. The decisions in dispute infringe Articles 123 to 125 TFEU. In that regard, the applicants claim that Article 123 TFEU prohibits monetising State debt and that on the basis of Regulation (EC) No 3603/93 (¹) that prohibition applies generally, namely to the primary and secondary markets.