Order of the General Court of 7 May 2013 — Cat Media Pty Ltd v OHIM — Avon Products (RETANEW)

(Case T-246/12) [1]

(Community trade mark — Opposition proceedings — Withdrawal of opposition — No need to rule)

(2013/C 189/49)

Language of the case: English

Parties

Applicant: Cat Media Pty Ltd (Warriewood, Australia) (represented by: I. De Freitas, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Avon Products, Inc. (New York, United States) (represented by: U. Stelzenmüller, lawyer)

Re:

Action brought against the decision of the First Chamber of the Board of Appeal of OHIM of 21 March 2012 (Case R 740/2011-1), concerning opposition proceedings between Avon Products, Inc. and Cat Media Pty Ltd.

Operative part of the order

1. *There is no need to rule on the appeal*

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 243, 11.8.2012.

Order of the General Court of 17 May 2013 — FH v Commission

(Case T-405/12) [1]

(Action for annulment and damages — Decision of the Commission to withdraw from the applicant the documents giving him access to the Commission buildings — Action for annulment — Lack of interest in bringing proceedings — Inadmissibility — Action for damages — Causal link — Harm — Action manifestly unfounded in law)

(2013/C 189/50)

Language of the case: French

Parties

Applicant: FH (Brussels, Belgium) (represented by: É. Boigelot and R. Murru, lawyers)

Defendant: European Commission (represented by: J. Currall and J. Baquero Cruz, acting as Agents)

Re:

Firstly, annulment of the Commission decision of 10 July 2012 withdrawing from the applicant the documents giving him access to the Commission buildings and, secondly, an action seeking compensation for the harm allegedly suffered by the applicant following the adoption of the contested decision.

Operative part of the order

1. *The action is dismissed.*

2. *FH shall bear his own costs and pay the costs incurred by the European Commission.*

[1] OJ C 331, 27.10.2012.

Order of the President of the General Court of 29 April 2013 — AbbVie v EMA

(Case T-44/13 R)

(Application for interim measures — Access to documents — Regulation (EC) No 1049/2001 — Documents held by the EMA containing information submitted by an undertaking as part of its application for authorisation to place a medicinal product on the market — Decision to grant a third party access to the documents — Application for suspension of operation of a measure — Urgency — Prima facie case — Weighing up of interests)

(2013/C 189/51)

Language of the case: English

Parties

Applicants: AbbVie, Inc. (Wilmington, Delaware, United States); and AbbVie Ltd (Maidenhead, United Kingdom) (represented by: P. Bogaert and G. Berrisch, lawyers, B. Kelly, G. Castle, Solicitors, D. Anderson QC and D. Scannell, Barrister)

Defendant(s): European Medicines Agency (EMA) (represented by: T. Jablonski, N. Rampal Olmedo and A. Spina, Agents)

Re:

Application, in essence, for suspension of operation of EMA Decision EMA/748792/2012 of 14 January 2013, granting a third party access to certain documents containing information submitted as part of an application for authorisation to place the medicinal product Humira, used to treat Crohn's Disease, on the market, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Operative part of the order

1. *The operation of EMA Decision EMA/748792/2012 of 14 January 2013 of the European Medicines Agency (EMA), granting a third party access to Clinical Study Reports M02-404, M04-691 and M05-769, submitted as part of an application for authorisation to place the medicinal product Humira, used to treat Crohn's Disease, on the market, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, is suspended.*

2. *The EMA is ordered not to disclose the documents referred to in point 1 of the operative part of this order.*

3. *Costs are reserved.*

Order of the President of the General Court of 25 April 2013 — InterMune UK and Others v EMA

(Case T-73/13 R)

(Application for interim measures — Access to documents — Regulation (EC) No 1049/2001 — Documents held by the EMA containing information submitted by an undertaking as part of its application for authorisation to place a medicinal product on the market — Decision to grant a third party access to the documents — Application for suspension of operation of a measure — Urgency — Prima facie case — Weighing up of interests)

(2013/C 189/52)

Language of the case: English

Parties

Applicants: UK Ltd (London (United Kingdom)); InterMune, Inc. (Brisbane, California, United States); and InterMune International AG (Muttenz, Switzerland) (represented by: I. Dodds-Smith, A. Williams, Solicitors, T. de la Mare, QC and F. Campbell, Barrister)

Defendant: European Medicines Agency (EMA) (represented by: T. Jablonski, N. Rampal Olmedo and A. Spina, acting as Agents)

Re:

Application, in essence, for suspension of operation of EMA Decision EMA/24685/2013 of 15 January 2013, granting a third party access to certain documents containing information submitted as part of an application for authorisation to place the medicinal product Esbriet on the market, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), inasmuch as that information is not yet within the public domain

Operative part of the order

1. *The operation of EMA Decision EMA/24685/2013 of 15 January 2013, granting a third party access, under Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, to the documents '2.4 Non-clinical Overview; 2.5 Clinical Overview; 2.6 Non-clinical Summary; and 2.7 Clinical Summary', submitted as part of an application for authorisation to place the medicinal product Esbriet on the market, is suspended inasmuch as those documents contain information which is not yet publicly available.*

2. *The EMA is ordered not to disclose the documents referred to in point 1 of the operative part of this order in a version which is more detailed than the edited version of those documents as provided by InterMune UK Ltd, InterMune, Inc., and InterMune International AG to the EMA on 8 October 2012.*

3. *Costs are reserved.*

Action brought on 15 April 2013 — Saf-Holland v OHIM (INTEGRAL)

(Case T-217/13)

(2013/C 189/53)

Language of the case: German

Parties

Applicant: Saf-Holland GmbH (Bessenbach, Germany) (represented by M.-C. Seiler, lawyer)

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 First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 31 January 2013 in Case R 2087/2011-1;

— Amend the contested decision in such a way that the preceding refusal decision of OHIM of 14 September 2011 is annulled;

— In the alternative, amend the contested decision in such a way that the registration procedure is continued;

— Order OHIM to pay the costs including those incurred in the course of the appeal proceedings.