

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 8 April 2016 (Case R 2699/2014-4), relating to opposition proceedings between Kaane American International Tobacco and Global Tobacco.

Operative part of the order

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

⁽¹⁾ OJ C 279, 1.8.2016.

**Order of the General Court of 14 December 2017 — Lackmann Fleisch- und Feinkostfabrik v EUIPO
(Национальный Продукт)**

(Case T-246/17) ⁽¹⁾

(EU trade mark — Application for EU figurative mark Национальный Продукт — Disregard of the procedural requirements — Article 177(1)(d) and (e) of the Rules of Procedure — Manifest inadmissibility)

(2018/C 063/17)

Language of the case: German

Parties

Applicant: Lackmann Fleisch- und Feinkostfabrik GmbH (Bühl, Germany) (represented by: A. Lingenfeller, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Walicka, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 16 February 2017 (Case R 1017/2016-1), concerning an application for registration of the figurative sign Национальный Продукт as an EU trade mark.

Operative part of the order

1. The action is dismissed as being manifestly inadmissible.
2. Lackmann Fleisch- und Feinkostfabrik GmbH shall pay the costs.

⁽¹⁾ OJ C 195, 19.6.2017.

**Action brought on 28 November 2017 — Medora Therapeutics v EUIPO — Biohealth Italia
(LITHOREN)**

(Case T-776/17)

(2018/C 063/18)

Language in which the application was lodged: English

Parties

Applicant: Medora Therapeutics LTD (Halandri, Greece) (represented by: S. Santos Rodríguez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Biohealth Italia Srl (Rivoli, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'LITHOREN' — EU trade mark No 12 744 901

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 14 September 2017 in Case R 178/2017-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred in the proceedings before EUIPO.

Pleas in law

- Infringement of Article 53(1)(a) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 28 November 2017 — *Moreira v EUIPO* — *Da Silva Santos Júnior (NEYMAR)*
(Case T-795/17)
(2018/C 063/19)

Language in which the application was lodged: Portuguese

Parties

Applicant: Carlos Moreira (Guimarães, Portugal) (represented by: T. Soares Faria, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Neymar Da Silva Santos Júnior (Barcelona, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Word mark 'NEYMAR' — European Union trade mark No 11 432 044

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 6 September 2017 Case R 80/2017-2

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision and declare valid, in accordance with Article 52(1)(b) and Article 53(2)(a) of Regulation No 207/2009, the trade mark 'NEYMAR' No 00000 held by Carlos Morera, for all the goods or services for which the mark has been registered;