

ORDER OF THE COURT OF FIRST INSTANCE**of 8 April 2005****in Case T-401/03: Deirdre McCabe v Commission of the European Communities** ⁽¹⁾**(Officials — Recruitment — Probationary period at Eurostat — Dismissal following the probationary period — Action for annulment — Claim for damages — Preliminary administrative complaint — Inadmissible)**

(2005/C 155/43)

(Language of the case: French)

In Case T-401/03: Deirdre McCabe, a former probationer at the Commission of the European Communities, residing in Mondorf-les-Bains (Luxembourg), represented by M- Spandre and B. Zammitto, lawyers, against Commission of the European Communities (Agents: J. Currall and H. Kraemer, assisted by B. Wägenbaur, lawyer, with an address for service in Luxembourg — application, first, for annulment of the Commission decision of 25 August 2003 dismissing the applicant following her probationary period and, second, for damages, the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Lindh and V. Vadapalas, Judges; H. Jung, Registrar, made an order on 8 April 2005 in which it:

1. Dismisses the application as inadmissible;
2. Orders the parties to bear their own costs.

⁽¹⁾ OJ No 35 of 7.2.2004.

ORDER OF THE COURT OF FIRST INSTANCE**of 8 March 2005****in Case T-84/04 Axiom Medical, Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** ⁽¹⁾**(Community trade mark — Opposition — Withdrawal of opposition — No need to adjudicate)**

(2005/C 155/44)

(Language of the case: German)

In Case T-84/04: Axiom Medical, Inc., established in Rancho Dominguez (United States of America), represented by R.

Köbbing, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), represented by G. Schneider, acting as Agent, the other party to the proceedings before the Board of Appeal of OHIM being Paul Hartmann Aktiengesellschaft, established in Heidenheim (Germany), — ACTION for annulment of the decision of the First Board of Appeal of OHIM of 17 December 2003 (Case R 193/2002-1) relating to opposition proceedings between Axiom Medical, Inc. and Paul Hartmann Aktiengesellschaft — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Lindh and V. Vadapalas, Judges; H. Jung, Registrar, made an order on 8 March 2005, the operative part of which is as follows:

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

⁽¹⁾ OJ C 106, 30.4.2004.

Action brought on 22 February 2005 by K & L Ruppert Stiftung & Co. Handels-KG against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-86/05)

(2005/C 155/45)

(Language in which the application was submitted: German)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 22 February 2005 by K & L Ruppert Stiftung & Co. Handels-KG, established in Weilheim (Germany), represented by D. Spohn, lawyer.

Natália Cristina Lopes de Almeida Cunha, Cláudia Couto Simões and Marly Lima Jatobá, residing at Vila Nova de Gaia (Portugal), were also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of 7 December 2004 in Case R 328/2004-1;
- order the defendant to pay the costs.