

Order of the Court of First Instance of 15 November 2006
— **Jiménez Martínez v Commission**

(Case T-115/05) ⁽¹⁾

(Officials — Invalidation — Invalidation Committee — Preparatory measure — Legal interest in bringing proceedings — Irregularity in the pre-litigation procedure — Manifest inadmissibility)

(2006/C 331/92)

Language of the case: French

Parties

Applicant: José Juan Jiménez Martínez (Brussels, Belgium) (represented by: É. Boigelot, lawyer)

Defendant: Commission of the European Communities (represented by: J. Currall and K. Hermann, Agents)

Re:

Application, first, for annulment of the Invalidation Committee's decisions of 21 April and 22 July 2004 and, secondly, for damages as compensation for loss allegedly suffered as a result of those decisions

Operative part of the order

The Court:

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

⁽¹⁾ OJ C 115, 14.5.2005.

Order of the Court of First Instance of 11 December 2006
— **Weber v Commission**

(Case T-290/05) ⁽¹⁾

(Access to documents of the Community institutions — Refusal — Application initiating proceedings — Manifest inadmissibility — No need to adjudicate)

(2006/C 331/93)

Language of the case: German

Parties

Applicant: Friedrich Weber (Cologne, Germany) (represented by: W. Declair, lawyer)

Defendant: Commission of the European Communities (represented by: P. Costa de Oliveira and C. Ladenburger, Agents)

Re:

Action brought against the decision of the Secretariat-General of the Commission of 27 May 2005, rejecting the request for access by the applicant to a letter sent by the Directorate General for Competition to the Federal German Government concerning State aid proceedings.

Operative part of the order

1. The action is dismissed as being manifestly inadmissible;
2. The applicant is ordered to bear its own costs and those incurred by the Commission.

⁽¹⁾ OJ C 257, 15.10.2005.

Order of the Court of First Instance of 15 November 2006
— **Anheuser-Busch v OHIM — Budějovický Budvar (BUDWEISER)**

(Case T-366/05) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark BUDWEISER — Earlier international word marks and figurative marks BUDWEISER and BUDWEISER BUDVAR — Refusal to register — Restriction of the goods covered — Action manifestly lacking any foundation in law)

(2006/C 331/94)

Language of the case: English

Parties

Applicant: Anheuser-Busch (Saint Louis, Missouri, United States) (represented by: V. von Bomhard, B. Goebel, A. Renck and A. Pohlmann, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Budějovický Budvar, národní podnik (Česke Budějovice, Czech Republic) (represented by: F. Fajgenbaum, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 July 2005 (Case R 514/2004-2) relating to opposition proceedings between Budějovický Budvar, národní podnik, and Anheuser Busch, Inc.

Operative part of the order

1. *The action is dismissed;*
2. *Anheuser Busch, Inc., shall pay its own costs and those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and by Budějovický Budvar, národní podnik.*

(¹) OJ C 330, 24.12.2005.

Order of the Court of First Instance of 11 December 2006
— **MMT v Commission**

(Case T-392/05) (¹)

(Action for annulment — Time-limit for bringing proceedings — Objection of inadmissibility)

(2006/C 331/95)

Language of the case: German

Parties

Applicant: MMT Mecklenburg-Strelitzer Montage- und Tiefbau GmbH (Neustrelitz, Germany) (represented by: R.-J. Kurschus, M. Zimmermann, M. Grehsin and C. Kupke, lawyers)

Defendant: Commission of the European Communities (represented by: K. Gross and T. Scharf, Agents)

Re:

Application for annulment of Commission Decision 2003/595/EC of 5 March 2003 on the aid scheme implemented by the Federal Republic of Germany in connection with the sale and export of products from the Land of Mecklenburg-Western Pomerania (OJ 2003 L 202 p. 15) to the extent that the decision classifies as unlawful State aid for the purposes of Article 87(1) EC the financial assistance envisaged by the guidelines of the Land of Mecklenburg-Western Pomerania for shared offices on the territory of countries which are official candidates for accession to the European Union.

Operative part of the order

1. *The application is dismissed as inadmissible;*
2. *The applicant shall bear its own costs and pay those incurred by the Commission.*

(¹) OJ C 22, 28.1.2006.

Order of the Court of First Instance of 14 December 2006
— **K-Swiss v OHIM (Parallel stripes on a shoe)**

(Case T-14/06) (¹)

(Community Trade Mark — Procedural issues — Plea of inadmissibility — Notification of the decision of the Board of Appeal — Time-limit for bringing an action)

(2006/C 331/96)

Language of the case: English

Parties

Applicant: K-Swiss, Inc. (West Lake Village, California, United States) (represented by: H. Hübner, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: Ó. Mondéjar, Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 September 2005 (Case R 1109/2004-1), concerning registration of a mark in the form of five parallel stripes placed on the lateral part of a representation of a shoe as a Community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action as inadmissible.*
2. *Orders the applicant to pay the costs.*

(¹) OJ C 86, 8.4.2006.