

Other party to the proceedings before the Board of Appeal of OHIM: Gelkaps GmbH (Pritzwalk, Germany)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 November 2008 (Case RE 87/2008-2), relating to opposition proceedings between La Cachuera, SA and Gelkaps GmbH

Operative part of the order

The Court:

1. Dismisses the action.
2. Orders La Cachuera, SA to bear its own costs.

⁽¹⁾ OJ C 69, 21.3.2009.

Order of the President of the Court of First Instance of 24 April 2009 — Nycomed Danmark v EMEA

(Case T-52/09 R)

(Application for interim measures — Marketing authorisation for a medicinal product — Ultrasound echocardiographic imaging agent for diagnostic purposes (perflubutane) — Refusal by the EMEA to grant a waiver from the obligation to submit a paediatric investigation plan — Application for suspension of operation of a measure and interim measures — No urgency)

(2009/C 141/91)

Language of the case: English

Parties

Applicant: Nycomed Danmark ApS (Roskilde, Denmark) (represented by: C. Schoonderbeek and H. Speyart van Woerden, lawyers)

Defendant: European Medicines Agency (EMA) (represented by: V. Salvatore and N. Rampal Olmedo, Agents)

Re:

APPLICATION, first, for suspension of the operation of the EMA's decision of 28 November 2008 rejecting the application for a product-specific waiver concerning perflubutane and, secondly, for the grant of interim measures.

Operative part of the order

1. The application for interim measures is dismissed.
2. Costs are reserved.

Order of the President of the Court of First Instance of 3 April 2009 — UCAPT v Commission

(Case T-96/09 R)

(Interim measures — Application for suspension of operation of a measure — Failure to comply with the formal requirements — Inadmissible)

(2009/C 141/92)

Language of the case: French

Parties

Applicant: Union des Coopératives agricoles des producteurs de tabac de France (UCAPT) (Paris, France) (represented by: B. Peignot and D. Garreau, lawyers)

Defendant: Commission of the European Communities (represented by: M. Moore and P. Mahnič Bruni, acting as Agents)

Re:

Application for suspension of operation of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ 2009 L 30, p. 16).

Operative part of the order

1. The application for interim measures is dismissed.
2. Costs are reserved.

Action brought on 24 march 2009 — Viasat Broadcasting UK v Commission

(Case T-114/09)

(2009/C 141/93)

Language of the case: English

Parties

Applicant: Viasat Broadcasting UK Ltd (London, United Kingdom) (represented by: S. Kalsmose-Hjelmberg and M. Honoré, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision of the European Commission of 4 August 2008 in Case N 287/2008; and
- order the Commission to pay the costs.