

- in the alternative annul Article 7 of Commission decision C(2014) 4955 final of 9 July 2014 in Case AT.39612 Perindopril (Servier) insofar as it imposes a fine on the applicants; or
- in the further alternative reduce the fine imposed on the applicants pursuant to Article 7 of Commission decision C (2014) 4955 final of 9 July 2014 in Case AT.39612 Perindopril (Servier); or
- in the final alternative annul Articles 2, 7 and 8 of Commission decision C(2014) 4955 final of 9 July 2014 in Case AT.39612 Perindopril (Servier) insofar as they pertain to Mylan Inc.;
- order the Commission to pay the applicants' costs.

Pleas in law and main arguments

In support of the action, the applicants rely on eight pleas in law.

1. First plea in law, alleging that the contested decision contains errors of facts and manifest errors of assessment in its analysis of the relevant factual, legal and economic context in which the patent settlement agreement between Mylan Laboratories (formerly known as Matrix Laboratories) and Servier was entered into.
2. Second plea in law, alleging that the contested decision is flawed as a matter of law and fact in finding that Matrix was a potential competitor to Servier.
3. Third plea in law, alleging that the contested decision does not establish to the requisite legal standard that the patent settlement agreement had the object of restricting competition contrary to Article 101 TFEU.
4. Fourth plea in law, alleging that the contested decision does not establish to the requisite legal standard that the patent settlement agreement had the effect of restricting competition contrary to Article 101 TFEU.
5. Fifth plea in law, alleging in the alternative that the Commission has infringed Article 23 of Regulation No 1/2003 ⁽¹⁾ as well as the principles of proportionality, *nullum crimen nulla poena sine lege* and legal certainty in imposing a fine on the applicants.
6. Sixth plea in law, alleging in the further alternative that the Commission has imposed a fine which is manifestly disproportionate to the gravity of the alleged infringement.
7. Seventh plea in law, alleging that the Commission has infringed Mylan Inc.'s procedural rights of defence by reformulating, without issuing a supplementary Statement of Objections, the basis upon which liability is attributed to Mylan Inc. in the contested decision in a manner that differs from the basis upon which such liability had been imposed on a preliminary basis in the Statement of Objections.
8. Eighth plea in law, alleging that the Commission has (i) breached the principle of personal responsibility and presumption of innocence in holding Mylan Inc. liable for the alleged infringement of Matrix; and (ii) committed manifest errors of assessment in finding that Mylan Inc. exercised decisive influence over the conduct of Matrix during the relevant period.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 TFEU and 102 TFEU (OJ 2003 L 1, p. 1).

**Appeal brought on 16 September 2014 by Rhys Morgan against the judgment of the Civil Service
Tribunal of 8 July 2014 in Case F-26/13, Morgan v OHIM**

(Case T-683/14 P)

(2014/C 431/56)

Language of the case: English

Parties

Appellant: Rhys Morgan (Alicante, Spain) (represented by: H. Tettenborn, lawyer)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought by the appellant

The appellant claims that the Court should:

- annul the judgment of the Civil Service Tribunal of 8 July 2014 in Case F-26/13;
- annul the Appraisal Report issued to the appellant in respect of the period from 1 October 2010 to 30 September 2011;
- order OHIM to pay an adequate compensation in the discretion of the Court — not below an amount EUR 500 — to the appellant for the moral and immaterial damages suffered by the appellant as a result of the aforesaid Appraisal Report;
- order OHIM to pay the costs as regards the proceedings in the Civil Service Tribunal and in the General Court.

Pleas in law and main arguments

In support of the appeal, the appellant relies on five pleas in law.

1. First plea in law, alleging that the Civil Service Tribunal erred in failing to recognize that a general assessment must be based on the official's performance during the appraisal period as a whole.
2. Second plea in law, alleging that the Civil Service Tribunal erred in failing to recognize the gravity of the procedural violations committed by OHIM.
3. Third plea in law, alleging that the Civil Service Tribunal committed an error when appreciating the plea in law alleging infringement of the principle of protection of legitimate expectations.
4. Fourth plea in law, alleging that the Civil Service Tribunal committed errors when appreciating the plea in law alleging infringement of the principle of equal treatment.
5. Fifth plea in law, alleging that the Civil Service Tribunal failed to evaluate properly, or even to examine, the evidence in relation to the plea of misuse of powers.

Action brought on 19 September 2014 — Krka/Commission

(Case T-684/14)

(2014/C 431/57)

Language of the case: English

Parties

Applicant: Krka Tovarna Zdravil d.d. (Novo Mesto, Slovenia) (represented by: T. Ilešič and M. Kocmut, lawyers).

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision C(2014) 4955 final of 9 July 2014 in case AT.39612 — Perindopril (Servier), served on the applicant on 11 July 2014, in so far as it concerns the applicant, in particular Articles 4, 7(4)(a), 8 and 9;
- order the Commission to pay the applicant's legal and other costs and expenses in relation to this matter; and
- order such other measures as justice may require.