

10-5-12

EP 2275113

Datum  
Date of Form 1507  
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Sheet 1  
Feuille

Anmelde-Nr.  
Application No: 09 725 050.0  
Demande n°:

The examination is being carried out on the **following application documents**

**Description, Pages**

1-29 as published

**Claims, Numbers**

1-3 received on 24-11-2010 with letter of 23-11-2010

**Drawings, Sheets**

1/3-3/3 as published

- 1 The present application relates to a skin circulation improving agent for increasing a rate skin blood circulation and a skin temperature-elevating agent for increasing skin temperature. Due to the large individual differences in sensitivity and preference with respect to the conventionally used extracts/ condensates, and in the absence of satisfactory results with the conventionally used compositions, there is a strong demand for a novel and alternative agent capable of achieving an increase in a rate of skin blood circulation in a both efficient and safe way to improve skin temperature and sensitivity to cold and shoulder stiffness.
- 2 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.
  - D1 HONGRATANAWORAKIT T ET AL: "Evaluation of the harmonizing effect of Ylang -Ylang oil on humans after inhalation", MEDICINAL & AROMATIC PLANTS ABSTRACTS, SCIENTIFIC PUBLISHERS, NEW DELHI - INDIA, vol. 26, no. 5, 1 October 2004 (2004-10-01), XP018000746,
  - D2 DATABASE TCM [Online] SIPO; 20 June 2005 (2005-06-20), ZHANG XIANGXIN: Database accession no. CN1709394
  - D3 DATABASE TCM [Online] SIPO; 13 May 2005 (2005-05-13), QU WEIZHU: "HEALTH PROMOTING MATTRESS OF TEA", Database accession no. CN2805531

D1 reports on the effects of ylang-ylang oil on human physiological parameters and self-evaluation. Physiological parameters recorded also include skin temperature (cf. abstr. no. 2004-05-2035). The teaching of D1 hence has no relevance for the subject-matter of the present application.

D2 relates to a chinese composition of plant origin, comprising radix angelicae dahuricae, radix angelicae pubescentis, radix ophiopogonis fructus psoraleae, radix peucedani, fructus foeniculi, herba agrimoniae and fructus atriplicis sibiricae, said composition supporting skin caring and blood circulation and promoting the blood supply of skin affected part (cf. abstract). D2 however, is silent on a composition comprising at least one of the members as depicted in the present claims.

D3 discloses a health promoting mattress of tea comprising a chinese composition containing **flos jasmini sambac**, said mattress also exerting **back stiffness** inhibiting effects (cf. abstract).

- 3 Although D3 does not expressis-verbis refer to *shoulder stiffness or sensitivity to cold*, the beneficial effects in the treatment of back stiffness disclosed herein implicitly cover also said effects on shoulders affected with stiffness. As the shoulder may be considered to be also a part of the back, the teaching of D3 has to be considered as prejudicial to the present subject-matter.

**In this respect, the attention is also drawn to a third partie's intervention under Art. 115 EPC set forth with letter of 13/04/2011 and objecting against novelty and inventive step based on references (exhibits 1-3) of the Traditional Knowledge Digital Library (TKDL), where Rosa damascena has been used as a heat producing agent, relaxant and for the treatment of swelling and stiffness of joints through local application.**

- 4 General statements in the description trying to extend the scope of protection in an ambiguous way (e.g., "...not limited to...", "non-limitative...") are to be removed (cf. in the Guidelines of the EPC, C-III, 4.4).