

EP 2275113

Datum
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Date

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Sheet 1
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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 filed with telefax on 19-11-2012

Drawings, Sheets

1/3-3/3 as published

1 Art. 123(2) EPC

The reference to the damask rose steam distillate has been deleted from the claims. As no subject-matter going beyond that of the application as originally filed has been added, the requirements of Art. 123(2) EPC are deemed to be fulfilled.

2 Claims

Claim 1 concerns a composition for use in improving skin circulation, containing at least one of the members selected from the group of an Arabian jasmine, (matsurika, jasmin sambac) extract, 3-methyloctano-4-lactone and bornyl acetate.

Claim 2 is directed to a composition for use in elevation of skin temperature, containing at least one of the members selected from the group of an Arabian jasmine, (matsurika, jasmin sambac) extract, 3-methyloctano-4-lactone and bornyl acetate.

Claim 3 relates to composition for use in prevention or improvement of shoulder stiffness or sensitivity to cold, containing at least one of the members selected from the group of an Arabian jasmine, (matsurika, jasmin sambac) extract, 3-methyloctano-4-lactone and bornyl acetate.

3 Technical field and problem to be solved

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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.

4 **Novelty and Inventive step**

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). However, D3 fails to teach that an Arabian jasmine (maturika, jasmin sambac) extract or 3-methyloctano-4-lactone and bornyl acetate can by itself improve skin circulation, elevate skin temperature or improve shoulder stiffness or sensitivity to cold.

The references (exhibits 1-3), submitted with a third party's intervention under Art. 115 EPC set forth with letter of 13/04/2011 and objecting against novelty and inventive relate to the use of **Rosa damascena** as a heat producing agent, relaxant and for the treatment of swelling and stiffness of joints through local application. The claims as amended disclaim the reference to damask rose steam distillate and restrict the scope of the present application to Arabian jasmine extract, 3-methyloctano-4-lactone and/or bornyl acetate.

As from none of the above cited documents a composition containing at least one of the members selected from the group of an Arabian jasmine, (maturika, jasmin sambac) extract, 3-methyloctano-4-lactone and bornyl acetate **for use** as set forth in the present claims can be derived, novelty over the prior art has to be acknowledged pursuant to Arts. 52(1) and 54(1) EPC.

D3, to be considered as the closest prior art, relates to a health promoting mattress of tea comprising a chinese composition containing **flos jasmini sambac**, said mattress also exerting back stiffness inhibiting effects. However, D3 rather relates to a **combination** with green tea, Flos Osmanthi Fragantis, Flos Rugosae and scented tea and is silent on the beneficial effects of one of the individual members selected from the group of an Arabian jasmine, (maturika, jasmin sambac) extract, 3-methyloctano-4-lactone and bornyl acetate. Support therefore is provided in figures 1-3 of the application, showing effects on skin temperature, skin blood circulation and on the sensitivity to cold and shoulder stiffness.

In view of the restricted subject-matter, the references cited by the third party under Art. 115 EPC are no longer relevant and an inventive step has to be acknowledged pursuant to Art. 56 EPC.

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- 5 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).