



- (51) International Patent Classification:
A23L 1/30 (2006.01) A23L 2/52 (2006.01)
- (21) International Application Number:
PCT/US2012/067911
- (22) International Filing Date:
5 December 2012 (05.12.2012)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
13/311,833 6 December 2011 (06.12.2011) US
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(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BN, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PA, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

- with international search report (Art. 21(3))
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments (Rule 48.2(h))

(88) Date of publication of the international search report:
27 December 2013

(54) Title: FATIGUE-RELIEVING HERBAL EXTRACTS AND BEVERAGES COMPRISING THE SAME

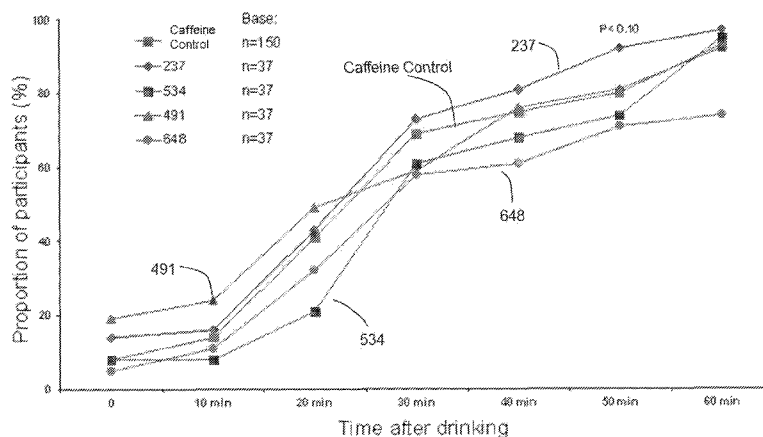


Fig. 5. Perceived Energy Boost- time of onset

(57) Abstract: Herbal extracts are described. The extracts are prepared from combinations of herb parts. The extracts, and beverage products containing the extracts, provide the consumer with a perception of increased energy.

WO 2013/085974 A3

INTERNATIONAL SEARCH REPORT

International application No PCT/US2012/067911

A. CLASSIFICATION OF SUBJECT MATTER
 INV. A23L1/30 A23L2/52
 ADD.
 According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED
 Minimum documentation searched (classification system followed by classification symbols)
 A23L A61K A61P
 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DATABASE TCM [Online] SIP0; 21 January 2009 (2009-01-21), Qu Jianbo: "A kind of health beverage/A health beverage containing Chinese medicine composition having physical fatigue relieving, asthenopia relieving, and human body's immunity enhancing effects", XP002697355,	1-11,20
Y	Database accession no. CN-200810211641-A the whole document & CN 101 347 244 A (JIANBO QU [CN]) 21 January 2009 (2009-01-21) the whole document ----- -/--	6

Further documents are listed in the continuation of Box C. See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
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"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search 24 June 2013	Date of mailing of the international search report 11/11/2013
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Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Authorized officer Krajewski, Doris
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INTERNATIONAL SEARCH REPORT

International application No

PCT/US2012/067911

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>DATABASE TCM [Online]</p> <p>4 February 1998 (1998-02-04), Gao Binghe: "BAOYUANFENG SUI MEDICATED WINE and its preparation method/Medicated wine for treating rheumatism", XP002697347, Database accession no. CN-97114446-A the whole document -& CN 1 171 971 A (GAO BINGHE [CN]) 4 February 1998 (1998-02-04)</p> <p>-----</p>	1-5,8
X	<p>DATABASE TCM [Online]</p> <p>SIPO;</p> <p>11 November 1998 (1998-11-11), Xu Xiuzhong: "Antiaging and health promoting wine", XP002697348, Database accession no. CN-97111724-A the whole document & CN 1 198 338 A (XU XIUZHONG [CN]) 11 November 1998 (1998-11-11)</p> <p>-----</p>	1-5,8
A	<p>DATABASE TCM [Online]</p> <p>SIPO;</p> <p>27 February 2002 (2002-02-27), Chen Yugang: "Healthy sealwort beverage and its production process", XP002697349, Database accession no. CN-01107331-A the whole document & CN 1 337 184 A (CHEN YUGANG [CN]) 27 February 2002 (2002-02-27)</p> <p>-----</p>	1-11,20
A	<p>DATABASE TCM [Online]</p> <p>SIPO;</p> <p>1 June 2011 (2011-06-01), Zhang Yingsan: "Health tea and its preparation method/A kind of Chinese medicine health tea with antifatigue, and pressure relaxing effects, and its preparation method", XP002697350, Database accession no. CN-200910205992-A the whole document & CN 102 077 883 A (YINGSAN ZHANG) 1 June 2011 (2011-06-01)</p> <p>-----</p>	1-11,20
A	<p>US 2009/220667 A1 (JOHNSON DANIEL [US]) 3 September 2009 (2009-09-03) paragraphs [0001] - [0007], [0009], [0029] - [0037], [0064]; claims 1-20</p> <p>-----</p> <p style="text-align: center;">-/--</p>	1-11,20

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2012/067911

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
T	<p>Anonymous: "Dried Edible Chines Herb (Sealwort)", Internet , pages 1-5, XP002697351, Retrieved from the Internet: URL:http://cqxshx.en.alibaba.com/product/650063929-214836757/Dried_Edible_Chinese_Herb_Sealwort_.html [retrieved on 2013-05-03] -----</p>	
T	<p>Anonymous: "Acanthopanax gracilistylus W.W. Smith", Internet , pages 1-3, XP002697352, Retrieved from the Internet: URL:http://www.asiancancerherb.info/Wu%20Jia%20Pi.htm [retrieved on 2013-05-03] the whole document -----</p>	
T	<p>Anonymous: "Herb Details for HBID REcord 724", Internet , pages 1-2, XP002697353, Retrieved from the Internet: URL:http://bidd.nus.edu.sg/group/TCMsite/HerbDetails.aspx?HBID=724 [retrieved on 2013-05-03] the whole document -----</p>	
T	<p>Anonymous: "Acanthopanax sessiliflorus", Internet , page 1, XP002697354, Retrieved from the Internet: URL:http://mapping.fbb.utm.my/phyknome/node/21773 [retrieved on 2013-05-17] the whole document -----</p>	
Y	<p>M.A. HECKMAN ET AL: "Energy Drinks: An Assessment of Their Market Size, Consumer Demographics, Ingredient Profile, Functionality, and Regulations in the United States", COMPREHENSIVE REVIEWS IN FOOD SCIENCE AND FOOD SAFETY, vol. 9, no. 3, 1 May 2010 (2010-05-01), pages 303-317, XP055064225, ISSN: 1541-4337, DOI: 10.1111/j.1541-4337.2010.00111.x the whole document -----</p>	6
A	<p>the whole document -----</p>	1-5, 7-11,20

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2012/067911

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-11, 20

Remark on Protest

- The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-11, 20

Herbal extract composition comprising herbal extracts of Duan-Geng-Wu-Jia, Gou-qi-Zi and Huang-Jing, beverage comprising said product, method for producing said extract

2. claims: 12-19

Beverage product comprising herbal extract composition comprising a defined amount of saponins, flavonoids, amino acids, polysaccharides, method of relieving fatigue consuming a the beverage product

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2012/067911

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
CN 1171971	A	04-02-1998	NONE

US 2009220667	A1	03-09-2009	NONE
