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Datasheet for the decision of 14 October 2025

Case Number: T 0207/24 - 3.2.07

Application Number: 18164369.3

Publication Number: 3546153

IPC: B26B19/38, B26B19/04, B26B19/06

Language of the proceedings: EN

Title of invention:
PERSONAL CARE DEVICE

Patent Proprietor:
Braun GmbH

Opponent:
Edgewell Personal Care Brands, LLC

Headword:

Relevant legal provisions:
EPC Art. 54(2), 56

Keyword:
Novelty - (yes)
Inventive step - (yes)

Decisions cited:

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0207/24 - 3.2.07

D E C I S I O N
of Technical Board of Appeal 3.2.07
of 14 October 2025

Appellant: (Opponent)	Edgewell Personal Care Brands, LLC 1350 Timberlake Manor Parkway Chesterfield, MO 63017 (US)
Representative:	Dompatent Partnerschaft von Patent- und Rechtsanwälten mbB Deichmannhaus am Dom Bahnhofsvorplatz 1 50667 Köln (DE)
Respondent: (Patent Proprietor)	Braun GmbH Frankfurter Strasse 145 61476 Kronberg im Taunus (DE)
Representative:	Elkington and Fife LLP Prospect House 8 Pembroke Road Sevenoaks, Kent TN13 1XR (GB)
Decision under appeal:	**Interlocutory decision of the Opposition Division of the European Patent Office posted on 7 December 2023 concerning maintenance of the European Patent No. 3546153 in amended form.**

Composition of the Board:

Chairman	G. Patton
Members:	V. Bevilacqua
	E. Mille

Summary of Facts and Submissions

I. The appeal, filed by the opponent, is against the decision of the opposition division to maintain European patent No. 3 546 153 in amended form according to the then main request.

II. The opponent (appellant) initially requested:

- that the decision under appeal be set aside and that the patent be revoked

The patent proprietor (respondent) initially requested:

- that the appeal be dismissed and that the decision of the opposition division be upheld (main request) or, if the decision under appeal was set aside
- that the patent be maintained according to one of auxiliary requests 1 to 8 and 1a to 7a, in this order

The respondent also requested:

- remittal to the opposition division and apportionment of costs
  if the objections against the main request raised for the first time in the statement of grounds of appeal were admitted into appeal proceedings.

III. In preparation for oral proceedings, the board issued a communication pursuant to Article 15(1) RPBA in which it gave its preliminary opinion according to which:

- the objections against the main request raised in the statement of grounds of appeal for the first

time were not to be admitted into appeal proceedings

- the appeal was to be dismissed

IV. The appellant responded to the board's communication by letter dated 11 September 2025, to which the respondent replied by letter dated 24 September 2025.

V. Oral proceedings before the board took place on 14 October 2025.

During oral proceedings, the appellant withdrew all the objections against the main request raised in the statement of grounds of appeal for the first time.

At the conclusion of the oral proceedings, both parties confirmed their initial requests as final and the decision was announced.

Further details of the oral proceedings can be found in the minutes.

The main arguments of the parties relevant to the decision are dealt with below in the reasons for the decision.

VI. The current decision is based exclusively on the following document, mentioned in the decision under appeal:

D16: US 2017/0232624 A1

VII. Independent method **claim 1** of the **main request** reads as follows (the feature numbering used in section II.13 of the decision under appeal has been added by the board):

1a) "Method of operating and/or controlling a personal care device, in particular hair removal device such as an electric shaver,

1b) wherein at least one user's behavior parameter is detected by at least one detector (41-56) when handling the personal care device during a personal care treatment session, characterized by the steps of

1c) - comparing the real-time data of the detected user's behavior parameter to historical data of at least one behavioral parameter stored in a storage, and

1d) - determination of natural behavior and/or non-natural behavior depending on said comparison of the real-time data and historical data of the behavioral parameter,

1e) - wherein, upon detection of non-natural behavior, at least one of the following occurs:
(i) at least one working parameter of the personal care device is modified, and
(ii) feedback information is given to the user in response to non-natural behavior,

1f) and wherein said real-time data used for determination of non-natural behavior include data from a stroke length detector (48) for detecting a stroke length."

Independent method **claim 2** of the **main request** reads as follows (the feature numbering used in section II.13 of the decision under appeal has been added by the board):

2a) "Method of operating and/or controlling an electric shaver,

2b) wherein at least one user's behavior parameter is detected by at least one detector (41-56) when handling the electric shaver during a personal care treatment session, characterized by the steps of

2c) - comparing the real-time data of the detected user's

behavior parameter to historical data of at least one behavioral parameter stored in a storage, and

2d) - determination of natural behavior and/or non-natural behavior depending on said comparison of the real-time data and historical data of the behavioral parameter

2e) wherein, upon detection of non-natural behavior, at least one of the following occurs:
(i) at least one working parameter of the electric shaver is modified, and
(ii) feedback information is given to the user in response to non-natural behaviour,

1f) and wherein said real-time data used for determination of non-natural behavior include data from at least one of the following detectors:
- a contact force detector (41) for detecting the force at which the working head (3) is pressed against users' skin,
- a velocity detector (43) for detecting velocity of the electric shaver,
- a rotation detector (44) for detecting rotation and/or orientation of the electric shaver in three dimensions,
- a stroke speed and/or stroke length detector (48) for detecting a stroke speed and/or stroke length,
- an angular orientation detector for detecting an angular orientation of a longitudinal axis of the handle (2) relative to a gravitational field and/or angular rotation of the handle (2),
- a grip detector (53) for detecting a change in the type of grip such of fingers on the handle (2)."

Independent apparatus **claim 15** of the **main request** reads as follows (the feature numbering used in section

II.13 of the decision under appeal has been added by the board):

15a) Personal care device, in particular hair removal device such as electric shaver,

15b) comprising an elongated handle (2) for manually moving the personal care device along a body surface,

15c) a working head (3) attached to said handle (2) for effecting a personal care treatment to said body surface,

15d) at least one detector (41 to 56) internally in the device provided or external to that for detecting at least one behavioral parameter indicative of a user’s behaviour during handling the personal care device, characterized by

15e) a behavior determination algorithm (81) implemented in a control unit and configured to automatically execute the following:
- comparing the real-time data of the detected user’s behavior parameter to historical data of at least one behavioral parameter stored in a storage, and

15f) - determination of natural behavior and/or non-natural behavior depending on said comparison of the real-time data and historical data of the behavioral parameter, wherein the control unit is configured such that,

15g) upon detection of non-natural behavior, at least one of the following occurs:
(i) at least one working parameter of the personal care device is modified, and
(ii) feedback information is given to the user in response to non-natural behavior, and

15h) wherein the natural/non-natural behavior algorithm is configured for determining natural and/or non-natural behavior, in response to a signal of a stroke length detector (48) for detecting a stroke length."

Independent apparatus **claim 16** of the **main request** reads as follows (the feature numbering used in section II.13 of the decision under appeal has been added by the board):

16a) "Electric shaver,

16b) comprising an elongated handle (2) for manually moving the electric shaver along a body surface,

16c) a working head (3) attached to said handle (2) for effecting a personal care treatment to said body surface,

16d) at least one detector (41 to 56) internally in the electric shaver provided or external to that for detecting at least one behavioral parameter indicative of a user's behaviour during handling the electric shaver, characterized by

16e) a behavior determination algorithm (81) implemented in a control unit and configured to automatically execute the following:
- comparing the real-time data of the detected user's behavior parameter to historical data of at least one behavioral parameter stored in a storage, and

16f) - determination of natural behavior and/or non-natural behavior depending on said comparison of the real-time data and historical data of the behavioral parameter, wherein the control unit is configured such that,

16g) upon detection of non-natural behavior, at least one of the following occurs:
(i) at least one working parameter of the electric shaver is modified, and
(ii) feedback information is given to the user in response to non-natural behavior, and

16h) wherein the natural/non-natural behavior algorithm is configured for determining natural and/or non-natural behavior, in response to a signal of at least one of the following detectors:

- a contact force detector (41) for detecting the force at which the working head (3) is pressed against users' skin,
- a velocity detector (43) for detecting velocity of the electric shaver,
- a rotation detector (44) for detecting rotation and/or orientation of the electric shaver in three dimensions,
- a stroke speed and/or stroke length detector (48) for detecting a stroke speed and/or stroke length,
- an angular orientation detector for detecting an angular orientation of a longitudinal axis of the handle (2) relative to a gravitational field and/or angular rotation of the handle (2),
- a grip detector (53) for detecting a change in the type of grip such of fingers on the handle (2)."

Reasons for the Decision

1. Main request - novelty over D16

1.1 The opposition division found (point II.18 of the decision under appeal) that the subject-matter of independent claims 1, 2, 15 and 16 of the main request is novel over the disclosure of document D16.

The opposition division acknowledged, when discussing novelty of the subject-matter of claim 1, that document D16 fails to disclose features 1d) and 1e).

1.2 The appellant puts forward that D16 discloses all features of claim 1, in particular features 1d) and 1e), arguing as follows.

1.2.1 Feature 1d)

As paragraphs [0003] and [0004] of D16 state that "some users may use longer or shorter strokes than others", document D16 discloses that stroke length is measured and is a behavioural parameter.

Paragraph [0007] of D16 discloses comparing, for this parameter, real-time data (current stroke lengths) to historical data (stroke lengths from earlier shaves) in accordance with feature 1c) of claim 1.

The same passage of D16 also discloses displaying "comparisons with earlier shaves".

Clearly such comparisons require side-by-side examination of the real-time data and historical data of the behavioural parameter to establish similarities or dissimilarities.

Natural behaviour is then determined by a skilled person following the indications given in paragraph [0056], subparagraph a), of the patent in suit, which discloses that consumer research has shown that users typically start each shave with natural behaviour.

As the information on historical data clearly also encompasses the initial phase of each shave, natural behaviour is determined, according to the disclosure of D16, when similarities are established between real-time data on stroke length and historical data relative to the initial phase, while non-natural behaviour is determined when dissimilarities are established.

Therefore, when D16 teaches in paragraph [0007] to compare current stroke lengths with historical stroke

lengths, this amounts to the disclosure of a determination of natural and/or non-natural behaviour depending on the comparison of the real-time data and historical data of the behavioural parameter.

This determination takes place even if D16 merely displays data side-by-side without processing such data.

This is because showing the side-by-side lengths of strokes establishes, in the eyes of a skilled person, that lengths of strokes of the real-time data are either identical or similar to the lengths of strokes of the historical data, or different.

The above interpretation of the disclosure of document D16 also finds support in paragraphs [0003] to [0005] of this document.

This is because stroke length is a factor that affects the useful life of a razor cartridge, as taught in paragraphs [0003] and [0004] of document D16.

This is because the user is provided with feedback on, for example, the condition of the blade or the pressure applied.

Paragraph [0005] of D16 confirms that D16 deals with distinguishing natural behaviour from non-natural behaviour via comparisons.

Feature 1d) is therefore disclosed in D16.

1.2.2 Feature 1e)

Paragraph [0067] of D16 discloses that the displayed information is given to aid the user in the improvement of their shaving technique.

This means that displaying the side-by-side lengths of strokes, as disclosed in D16, paragraph [0007], already amounts to giving feedback information to the user.

D16 therefore discloses that, upon detection of non-natural behaviour, feedback is given to the user.

It is true that according to the disclosure of paragraph [0007] of D16, feedback is always given, irrespective of whether the behaviour is determined as being natural or not.

However, the independent claims of the main request are not limited to the provision of feedback only in the case in which non-natural behaviour is determined. They do not exclude giving feedback also in the case of natural behaviour.

Feature 1e) is therefore also known from document D16.

1.3 The board is not convinced by the above arguments of the appellant.

1.3.1 As argued by the respondent, D16 does not disclose or suggest a determination of natural or non-natural behaviour based on a comparison of real-time data with historical data.

This is because the mere display of "comparisons with earlier shaves" as disclosed in paragraph [0007] of D16

does not inherently involve a determination of natural or non-natural behaviour since no criteria are mentioned in this document for distinguishing between different types of behaviour.

The argument of the appellant according to which a skilled reader of D16 would derive such criteria from paragraph [0056] of the patent in suit is not convincing.

In accordance with the Boards' established case law (see Case Law of the Boards of Appeal of the European Patent Office, 11th edition 2025, I.C.2.3), a document belonging to the prior art is to be assessed, for the purposes of examining novelty, from the perspective of the skilled person on its publication date.

There is therefore no reason why the criteria mentioned in paragraph [0056] of the patent in suit should be used to complement, or even interpret, the disclosure of D16.

In the absence of the disclosure of any such criteria in document D16, the mere comparison of actual and earlier shaves mentioned cannot be considered a determination of natural behaviour and/or non-natural behaviour depending on this comparison.

1.3.2 Furthermore, as feature 1e) requires that there be a reaction "upon detection of non-natural behavior", the disclosure in D16 can only be conditional upon the disclosure of feature 1d) (the determination of non-natural behaviour).

Since D16 does not disclose feature 1d), as discussed above, it cannot disclose feature 1e) either.

1.3.3 Concerning the appellant's argument based on paragraphs [0003] and [0004] of D16, the board concurs with the respondent that the mere acknowledgement that different users have different stroke lengths does not amount to a determination of what constitutes natural versus non-natural behaviour for a particular user.

Even if this paragraph may be read as implying that stroke length affects useful life of the razor cartridge, it still does not suggest to the reader that stroke length or other parameters are used to determine natural or non-natural behaviour, or even that an action is performed in response to the detection of non-natural behaviour.

In a similar way, displaying indicators (showing the condition of the blade, the number of uses since the last cartridge was changed, the softness of the beard etc., as disclosed in paragraph [0040] of D16) also does not amount to the determination of natural or non-natural behaviour.

Paragraph [0041] of D16 mentions "results of the shave analysis". However, once again, displaying these results does not amount to the determination of natural or non-natural behaviour, nor is it feedback information given to the user in response to non-natural behaviour.

In addition, none of these displayed results relates to stroke length, and there is also no suggestion that these displayed results are derived by comparing real-time behavioural data with historical behavioural data.

Paragraph [0067] of D16 also does not support the argument of the appellant because it relates to an embodiment where data is displayed on a razor handle display, while paragraph [0007] relates to the display of information on an interface device.
Furthermore, paragraph [0067] does not relate to stroke-length data but to other parameters, such as the number of shaving strokes used, the shaving orientation of the razor, the time spent shaving and the velocity of the shaving strokes.

The board thus concurs with the findings of the opposition division that features 1d) and 1e) distinguish the subject-matter of claim 1 from the method disclosed in D16.

Similar considerations apply to the corresponding features 2d), 2e), 15f), 15g), 16f) and 16g) of independent claims 2, 15 and 16, respectively.

The subject-matter of all independent claims of the main request is therefore novel over the disclosure of document D16.

2. Inventive step over D16

2.1 The opposition division found (point II.19 of the decision under appeal) that the subject-matter of claim 1 of the main request involves an inventive step over D16 in combination with common general knowledge.

The opposition division reasoned that the purpose of D16 is to inform a user when a blade is due to be replaced, not to reduce the non-natural behaviour of a user as in the patent in suit.

Neither the teaching of D16 nor the problem suggested by the appellant (reducing information displayed) would have led the skilled person to the solution of the independent claims.

2.2 The appellant contests the above findings, arguing as follows.

2.2.1 Paragraph [0007] of D16 discloses that feedback is given to a skilled user on their shaving behaviour by displaying a comparison between real-time and historical data.

This is because paragraph [0067] of D16 discloses that the displayed information is given to aid the user in the improvement of their shaving technique.

A skilled user would, from this comparison, immediately identify non-natural behaviour and correct it to improve shaving comfort.

This means that when the method of operating the personal care device of D16 is carried out by a skilled person, the following steps would be inevitably performed in addition to this known method, without the need of any inventive step, because the skilled person naturally aims to improve shaving comfort:

- determination of natural behaviour and/or non-natural behaviour depending on the comparison of the real-time and historical data of the behavioural parameter
- where, upon detection of non-natural behaviour, feedback is given to the user in response to non-natural behaviour

2.2.2 The appellant also argues, in its letter of 11 September 2025, that the disclosure of document D16 may be interpreted in the sense that the determination of natural behaviour and/or non-natural behaviour and the provision of feedback in the case of non-natural behaviour are performed not by the razor but by the user when looking at the display, which shows stroke lengths of the current and earlier shaves side-by-side.

Under this assumption, the difference between the subject-matter of claim 1 of the main request and the disclosure of document D16 would be that both steps are automated.

However, as it is an ongoing requirement and, accordingly, belongs to the daily demands of the person skilled in the art, this automated performance of the results known from document D16 cannot involve an inventive step.

2.3 The board disagrees.

The arguments of the appellant are not convincing at least because D16 neither identifies the need to distinguish between behaviour types, such as natural and non-natural, nor discloses any way to do this.

2.3.1 The inventive-step objection raised in the letter dated 11 September 2025 is not accepted by the board because document D16 cannot be interpreted as disclosing a determination of natural and/or non-natural behaviour and the provision of feedback in the case of non-natural behaviour performed by a user.

As discussed in section 1.3.1 above, no step of determination of natural behaviour and/or non-natural

behaviour and no provision of feedback in the case of non-natural behaviour are disclosed in D16.

Since steps 1d) and 1e) of claim 1 (corresponding to features 2d), 2e), 15f), 15g), 16f) and 16g) of independent claims 2, 15 and 16, respectively) are not disclosed or even suggested in D16, a skilled person would not be able to arrive at the claimed subject-matter by merely attempting to automate steps.

2.3.2 The line of argument that a skilled user aiming to improve shaving comfort would, from the comparison disclosed in paragraph [0007] of D16, straightforwardly arrive at the claimed subject-matter, is also not convincing.

This is because as steps 1d) and 1e) (corresponding to features 2d), 2e), 15f), 15g), 16f) and 16g) of independent claims 2, 15 and 16, respectively) are neither disclosed nor suggested in D16, no teaching that comfort can be improved by using these features can be derived from that document.

While D16 mentions providing feedback on shaving behaviour and the quality of a razor cartridge, it does not suggest a determination of natural/non-natural behaviour as claimed according to step 1d) (corresponding to features 2d), 15f) and 16f) of independent claims 2, 15 and 16, respectively). The appellant has also not provided any document that demonstrated that such a determination belonged to the skilled person's common general knowledge.

Furthermore, the types of feedback provided in D16 (e.g. condition of the blade, number of uses, softness of beard) do not amount to feedback or suggest that any

is given in response to the detection of non-natural behaviour. The pre-condition of determining the existence of a non-natural behaviour for performing an action as claimed according to step 1e) (corresponding to features 2e), 15g) and 16g) of independent claims 2, 15 and 16, respectively) is not hinted at in D16. The appellant has also not provided any document that demonstrated that such a detection for performing an action belonged to the skilled person's common general knowledge.

In fact, the appellant's argument that the skilled user would, from the comparison provided in D16, immediately identify non-natural behaviour and correct it to improve shaving comfort remains an unfounded allegation.

The board therefore concludes that the subject-matter of claim 1, and similarly of claims 2, 15 and 16, involves an inventive step over D16 in combination with common general knowledge.

3. In view of the above (in particular also point V. above), the respondent's conditional requests for remittal of the case to the opposition division and apportionment of costs are moot.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

G. Nachtigall G. Patton

Decision electronically authenticated