

Filing Receipt for Response to Office Action Form and Next Steps in the Application Process

Application serial no. 99232169.

Mark. SPEAKEQ(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/99232169/large>).

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PTO- 1957

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Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	99232169
MARK SECTION	

MARK	<u>mark</u>
LITERAL ELEMENT	SPEAKEQ
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK EXAMINING OPERATION Christopher Ladner Trademark Examining Attorney Law Office 112 United States Patent and Trademark Office RE: Applicant: Yellow Sapphire Consulting LLC Serial No.: 99232169 Mark: SpeakeQ RESPONSE TO NON-FINAL OFFICE ACTION Applicant Yellow Sapphire Consulting LLC (?Applicant?) hereby responds to the Nonfinal Office Action issued by the United States Patent and Trademark Office (?USPTO?). Applicant respectfully requests that the Examining Attorney reconsider the refusal to register the mark SpeakEQ under Section 2(e)(1) of the Trademark Act, 15 U.S.C. ? 1062(b), for the reasons set forth below. I. APPLICANT'S MARK Applicant seeks protection for the standard character mark containing the element ?SpeakEQ? as the name of the mobile application. Applicant respectfully disagrees and would like to defend that that ?SpeakEQ? is suggestive rather than merely descriptive. "SpeakEQ" does not immediately convey the nature of the goods. ?SpeakEQ? does not carry any meaning and is not a word or phrase in the English language (reference Merriam Webster Dictionary). Secondly, EQ has multiple connotations including Equalizer, Equation, and Emotional Quotient, among others. Lastly, SpeakEQ will only be used as suggested in the Applicant's Mark and will only persist as a name of the mobile application. It is therefore highly unlikely that a consumer would connect EQ to the phrase or meaning the app conveys until the consumer uses the app. II. ARGUMENT AGAINST SECTION 2(e)(1) REFUSAL A. The Mark SpeakEQ Is Suggestive, Not Merely Descriptive The distinction between suggestive and descriptive marks is critical because suggestive marks are inherently distinctive. In re Gyulay, 820 F.2d 1216, 1217 (Fed. Cir. 1987). A term is suggestive if it requires "imagination, thought, and perception" to reach a conclusion as to the nature of the goods. In re George Weston Ltd., 228 USPQ 57, 58 (TTAB 1985). Conversely, a mark is merely descriptive only if it immediately conveys a quality or feature without any mental exercise. Stix Prods., Inc. v. United Merchs. &Mfrs., Inc., 295 F. Supp. 479, 488 (S.D.N.Y. 1968). Any doubt regarding descriptiveness must be resolved in favor of the applicant. In re Merrill Lynch, Pierce, Fenner and Smith, Inc., 828 F.2d 1567 (Fed. Cir. 1987). This statement satisfies the requirement set forth in 37 C.F.R. 2.61(b), and TMEP ?1209.01(a). B. The ?Imagination Test? Demonstrates the Mark Is Suggestive Under the ?imagination test?, a mark is suggestive rather than descriptive if ?some operation of the imagination is required to connect with the goods?. See Quaker State Oil Ref. Corp. v. Quaker Oil Corp., 453 F.2d 1296, 1299 (C.C.P.A. 1972). The consumer must engage in ?a multistage reasoning process? to understand any relationship between the mark and the goods. In re Omniome, Inc., 2019 USPQ2d 464931, at *5 (TTAB 2019). Here, SpeakEQ for communications and self-awareness requires a multistage reasoning process. The Examining Attorney's analysis reveals this: 1. Recognize that "EQ" does NOT mean Equalizer (rejecting the most common meaning) or Equation or Education Quotient or other meanings. 2. The user must first recognize that ?EQ? relates to Emotions 3. The user must then understand that Emotions are related to Expressions on how people express feelings, understanding that emotions can be conveyed through tone, pace, and intonation. 4. Combine "Speak" with "EQ?" and further reason that Expressions may be detected by a mobile application and the app provides feedback. 5. The user must then conclude that feedback on vocal patterns likely includes elements like tone, clarity, and correct usage of grammar, which are key aspects of effective interaction. 6. Finally, the user must infer Infer that the software uses vocal data to provide feedback on emotional expression which may allow them to better understand and manage their own expression, which are fundamental components of emotional. This chain of reasoning is precisely the type of mental gymnastics that characterizes a suggestive mark. See In re Bed &Breakfast Registry, 791 F.2d 157, 159, 229 USPQ 818 (Fed. Cir. 1986) (finding mark suggestive where the relationship between mark and goods required several mental steps). "SpeakEQ" does not immediately describe the feature" of the product. A consumer must perform a multi-stage mental process: 1. Identify that "EQ" refers to "Emotional Intelligence" (rather than "Equalization" in audio or other technical meanings). 2. Combine "Speak" with "EQ." 3. Infer that the software uses vocal data to provide feedback on emotional expression. C. Lack of "Particularity" (TMEP ?1209.01(b)) A mark is only descriptive if it conveys information with a "degree of particularity" regarding a characteristic of the goods. The phrase "SpeakEQ" is too vague to describe the vocal analysis function of the application. It could just as easily suggest a public speaking course, a social media platform, or an audio hardware filter. Because the mark is "indirect, metaphorical, and requires imagination," it fails the test for immediate descriptiveness. D. The Combination Creates an Incongruous Impression Applicant respectfully submits that the proposed mark is registrable because the combination of terms creates a unitary mark with an incongruous commercial impression. Under TMEP ? 1209.03(d), a mark composed of descriptive components is registrable if the combination creates a unique, non-descriptive meaning that is 'something more' than the sum of its individual parts. As established in In re Colonial Stores, Inc., the resulting incongruity</p>	

prevents the mark from being 'merely descriptive,' as it requires a multi-stage mental leap for consumers to associate the mark with the underlying goods/services. ? The "Mental Pause": "SpeakEQ" is not a standard English phrase. Because the terms do not naturally flow together in common usage, they create a "mental pause" or a "commercial impression" that is distinct from the individual definitions. ? Juxtaposition of Terms: "Speak" (a physical action) and "EQ" (an abstract psychological metric) are unusual pairings. This juxtaposition forces consumers to look for a metaphorical or suggestive meaning rather than a literal description of software features. ? Comparison to Established Precedents: You can cite cases where incongruous combinations were held to be suggestive, such as: ? See In re Colonial Stores Inc., 394 F.2d at 549, 157 USPQ at 382 (SUGAR & SPICE held not merely descriptive of bakery products); In re Shutts, 217 USPQ at 363 (SNO-RAKE held not merely descriptive of a snow removal hand tool). SNO-RAKE for a snow removal tool. E. The Evidence of Record Does Not Support a Descriptiveness Finding i. App Store screenshots demonstrate that ?EQ? predominantly refers to audio equalizer in the Mobile Application context. This is critical to the descriptiveness analysis because of Consumer Perception. When consumers encounter "EQ" in an app store or mobile application context, their immediate understanding is that it refers to audio equalization technology, not emotional intelligence. ii. Dictionary and technical definitions demonstrate multiple meanings of EQ and predominant use as equalizer in technological contexts. a. Multiple Meanings Create Ambiguity: "EQ" can mean equalizer, emotional quotient, earthquake, equation, or equipment depending on context. This ambiguity prevents the mark from being immediately descriptive. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979). b. Technology Context Favors "Equalizer": In the contexts most relevant to a mobile application (technology, software, digital tools), "EQ" predominantly means audio equalization technology. Consumers' first interpretation would therefore be audio-related, not emotion-related. c. Wikipedia page for "EQ" shows multiple meanings F. Analysis of websites cited by examining attorney demonstrate they offer services dissimilar to applicant's goods. From Examining Attorney's Citations: 1. TalentSmartEQ.com ? Offers: EQ training programs, assessments, workshops ? Target: Corporate clients, Human Resources department ? Service: Training and educational content on emotional intelligence 2. SekouAndrews.com ? Offers: Motivational speaking, public speaking coaching ? Target: Individuals seeking to improve communication and EQ in presentations ? Service: Personal coaching and speaking consultation 3. Natalia-Leal.com ? Offers: Life coaching, career development, EQ coaching for expatriates ? Target: Professionals and individuals seeking personal development ? Service: One-on-one coaching services The Examining Attorney's reliance on the doctrine that ?if the individual components of a mark retain their descriptive meaning... the combination results in a composite mark that is itself descriptive? (citing In re Nursecon, LLC) is misplaced here. As explained above, "Emotional Intelligence" or "EQ" does not describe any immediate technical feature, characteristic, function, or purpose of a downloadable software application for analysing expression quality. "EQ" is not an immediate, objective quality of software code or its direct output; it is, at best, an abstract, indirect, downstream, hoped-for result of the user engaging with the product over time to refine their communication habits. III.

CONCLUSION For the foregoing reasons, Applicant respectfully requests that the Examining Attorney: a. Withdraw the Section 2(e)(1) refusal; and b. Approve the application for publication in the Official Gazette. Should the Examining Attorney have any questions or require additional information, Applicant welcomes the opportunity to discuss this matter by telephone or email.

INDEX OF EXHIBITS ? Exhibit A - App store screenshots ? Exhibit B - Dictionary and technical definitions ? Exhibit C - Analysis of services cited by examining attorney demonstrating they offer services dissimilar to applicant's goods Respectfully submitted, Date: 1/19/2026 Nirmala Kumar Applicant, Principal Consultant, Yellow Sapphire Consulting LLC 11624 NE 97th St, Kirkland WA 98033 (510)725-8237 nirmala_kumar@outlook.com

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	evi_5046252204-2026011914 1226935749_.Response_To_Office_Action_SN99232169.pdf
	evi_5046252204-2026011914 1226935749_.Exhibit_A_-_App_store_screenshots.pdf
	evi_5046252204-2026011914 1226935749_.Exhibit_B_-_Dictionary_and_technical_definitions.pdf
	evi_5046252204-2026011914 1226935749_.strating_the_y_offer_services_dissimil_ar_to_applicant_s_goods.pdf
DESCRIPTION OF EVIDENCE FILE	(1) Response Letter To Office Action SN99232169 (2) Exhibit A - Mobile App store screenshots for considering similar and non-similar products (3). Exhibit B - Dictionary and technical definitions (4) EXHIBIT C - Analysis of services cited by examining attorney

CORRESPONDENCE INFORMATION (current)

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CORRESPONDENCE INFORMATION (proposed)	
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PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	nirmala_kumar@outlook.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	nirmala.ananth.kumar@gmail.com
PAYMENT SECTION	
TOTAL FEES DUE	The undersigned has elected not to submit a fee payment for the class(es), believing no fee payment is required under the <i>Trademark Rules of Practice</i> . The undersigned acknowledges that the USPTO may, upon later review, require a fee payment.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Nirmala A. Kumar/
SIGNATORY'S NAME	Nirmala Kumar
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	5107258237
DATE SIGNED	01/19/2026
ROLE OF AUTHORIZED SIGNATORY	Owner/Holder not represented by an attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jan 19 14:27:40 ET 2026
TEAS STAMP	USPTO/ROA-50.46.252.204-2 0260119142740468125-99232 169-91089cf1d31443acb0a14 b37a848bdd1d3ae567c29360e 236d3adf3eb3087fd2e-N/A-N /A-20260119141226935749

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Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **99232169** SPEAKEQ(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/99232169/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK EXAMINING OPERATION Christopher Ladner Trademark Examining Attorney Law Office 112 United States Patent and Trademark Office RE: Applicant: Yellow Sapphire Consulting LLC Serial No.: 99232169 Mark: SpeakEQ RESPONSE TO NON-FINAL OFFICE ACTION Applicant Yellow Sapphire Consulting LLC (?Applicant?) hereby responds to the Nonfinal Office Action issued by the United States Patent and Trademark Office (?USPTO?). Applicant respectfully requests that the Examining Attorney reconsider the refusal to register the mark SpeakEQ under Section 2(e)(1) of the Trademark Act, 15 U.S.C. ? 1062(b), for the reasons set forth below.

I. APPLICANT'S MARK Applicant seeks protection for the standard character mark containing the element ?SpeakEQ? as the name of the mobile application. Applicant respectfully disagrees and would like to defend that that ?SpeakEQ? is suggestive rather than merely descriptive. "SpeakEQ" does not immediately convey the nature of the goods. ?SpeakEQ? does not carry any meaning and is not a word or phrase in the English language (reference Merriam Webster Dictionary). Secondly, EQ has multiple connotations including Equalizer, Equation, and Emotional Quotient, among others. Lastly, SpeakEQ will only be used as suggested in the Applicant's Mark and will only persist as a name of the mobile application. It is therefore highly unlikely that a consumer would connect EQ to the phrase or meaning the app conveys until the consumer uses the app.

II. ARGUMENT AGAINST SECTION 2(e)(1) REFUSAL

A. The Mark SpeakEQ Is Suggestive, Not Merely Descriptive

The distinction between suggestive and descriptive marks is critical because suggestive marks are inherently distinctive. *In re Gyulay*, 820 F.2d 1216, 1217 (Fed. Cir. 1987). A term is suggestive if it requires "imagination, thought, and perception" to reach a conclusion as to the nature of the goods. *In re George Weston Ltd.*, 228 USPQ 57, 58 (TTAB 1985). Conversely, a mark is merely descriptive only if it immediately conveys a quality or feature without any mental exercise. *Stix Prods., Inc. v. United Merchs. &Mfrs., Inc.*, 295 F. Supp. 479, 488 (S.D.N.Y. 1968). Any doubt regarding descriptiveness must be resolved in favor of the applicant. *In re Merrill Lynch, Pierce, Fenner and Smith, Inc.*, 828 F.2d 1567 (Fed. Cir. 1987). This statement satisfies the requirement set forth in 37 C.F.R. 2.61(b), and TMEP ?1209.01(a).

B. The ?Imagination Test?

Demonstrates the Mark Is Suggestive Under the ?imagination test?, a mark is suggestive rather than descriptive if ?some operation of the imagination is required to connect with the goods?. See *Quaker State Oil Ref. Corp. v. Quaker Oil Corp.*, 453 F.2d 1296, 1299 (C.C.P.A. 1972). The consumer must engage in ?a multistage reasoning process? to understand any relationship between the mark and the goods. *In re Omniome, Inc.*, 2019 USPQ2d 464931, at *5 (TTAB 2019). Here, SpeakEQ for communications and self-awareness requires a multistage reasoning process. The Examining Attorney's analysis reveals this:

1. Recognize that "EQ" does NOT mean Equalizer (rejecting the most common meaning) or Equation or Education Quotient or other meanings.
2. The user must first recognize that ?EQ? relates to Emotions
3. The user must then understand that Emotions are related to Expressions on how people express feelings, understanding that emotions can be conveyed through tone, pace, and intonation.
4. Combine "Speak" with "EQ?" and further reason that Expressions may be detected by a mobile application and the app provides feedback.
5. The user must then conclude that feedback on vocal patterns likely includes elements like tone, clarity, and correct usage of grammar, which are key aspects of effective interaction.
6. Finally, the user must infer Infer that the software uses vocal data to provide feedback on emotional expression which may allow them to better understand and manage their own expression, which are fundamental components of emotional. This chain of reasoning is precisely the type of mental gymnastics that characterizes a suggestive mark. See *In re Bed &Breakfast Registry*, 791 F.2d 157, 159, 229 USPQ 818 (Fed. Cir. 1986) (finding mark suggestive where the relationship between mark and goods required several mental steps). "SpeakEQ" does not immediately describe the feature" of the product. A consumer must perform a multi-stage mental process:

1. Identify that "EQ" refers to "Emotional Intelligence" (rather than "Equalization" in audio or other technical meanings).
2. Combine "Speak" with "EQ."
3. Infer that the software uses vocal data to provide feedback on emotional expression.

C. Lack of "Particularity" (TMEP ?1209.01(b))

A mark is only descriptive if it conveys information with a "degree of particularity" regarding a characteristic of the goods. The phrase "SpeakEQ" is too vague to describe the vocal analysis function of the application. It could just as easily suggest a public speaking course, a social media platform, or an audio hardware filter. Because the mark is "indirect, metaphorical, and requires imagination," it fails the test for immediate descriptiveness.

D. The Combination Creates an Incongruous Impression

Applicant respectfully submits that the proposed mark is registrable because the combination of terms creates a unitary mark with an incongruous commercial impression. Under TMEP ? 1209.03(d), a mark composed of descriptive components is registrable if the combination creates a unique, non-descriptive meaning that is 'something more' than the sum of its individual parts. As established in *In re Colonial Stores, Inc.*, the resulting incongruity prevents the mark from being 'merely descriptive,' as it requires a multi-stage mental leap for consumers to associate the mark with the underlying goods/services. ? The "Mental Pause": "SpeakEQ" is not a standard English phrase. Because the terms do not naturally flow together in common usage, they create a "mental pause" or a "commercial impression" that is distinct from the individual definitions. ? Juxtaposition of Terms: "Speak" (a physical action) and "EQ" (an abstract psychological metric) are unusual pairings. This juxtaposition forces consumers to look for a metaphorical or suggestive meaning rather than a literal description of software features. ? Comparison to Established Precedents: You can cite cases where incongruous combinations were held to be suggestive, such as: ? See *In re Colonial Stores Inc.*, 394 F.2d at 549, 157 USPQ at 382 (*SUGAR &SPICE* held not merely descriptive of bakery products); *In re Shutts*, 217 USPQ at 363 (*SNO-RAKE* held not merely descriptive of a snow removal hand tool). *SNO-RAKE* for a snow removal tool.

E. The Evidence of Record Does Not Support a Descriptiveness Finding

i. App Store screenshots demonstrate that ?EQ? predominantly refers to audio equalizer in the Mobile Application context. This is critical to the descriptiveness analysis because of Consumer Perception. When consumers encounter "EQ" in an app store or mobile application context, their immediate understanding is that it refers to audio equalization technology, not emotional intelligence.

ii. Dictionary and technical definitions demonstrate multiple meanings of EQ and predominant use as equalizer in technological contexts.

a. Multiple Meanings Create Ambiguity: "EQ" can mean equalizer, emotional quotient, earthquake, equation, or equipment depending on context. This ambiguity prevents the mark from being immediately descriptive. *In re*

Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979). b. Technology Context Favors "Equalizer": In the contexts most relevant to a mobile application (technology, software, digital tools), "EQ" predominantly means audio equalization technology. Consumers' first interpretation would therefore be audio-related, not emotion-related. c. Wikipedia page for "EQ" shows multiple meanings F. Analysis of websites cited by examining attorney demonstrate they offer services dissimilar to applicant's goods. From Examining Attorney's Citations: 1. TalentSmartEQ.com ? Offers: EQ training programs, assessments, workshops ? Target: Corporate clients, Human Resources department ? Service: Training and educational content on emotional intelligence 2. SekouAndrews.com ? Offers: Motivational speaking, public speaking coaching ? Target: Individuals seeking to improve communication and EQ in presentations ? Service: Personal coaching and speaking consultation 3. Natalia-Leal.com ? Offers: Life coaching, career development, EQ coaching for expatriates ? Target: Professionals and individuals seeking personal development ? Service: One-on-one coaching services The Examining Attorney's reliance on the doctrine that ?if the individual components of a mark retain their descriptive meaning... the combination results in a composite mark that is itself descriptive? (citing *In re Nursecon, LLC*) is misplaced here. As explained above, "Emotional Intelligence" or "EQ" does not describe any immediate technical feature, characteristic, function, or purpose of a downloadable software application for analysing expression quality. "EQ" is not an immediate, objective quality of software code or its direct output; it is, at best, an abstract, indirect, downstream, hoped-for result of the user engaging with the product over time to refine their communication habits. III. CONCLUSION For the foregoing reasons, Applicant respectfully requests that the Examining Attorney: a. Withdraw the Section 2(e)(1) refusal; and b. Approve the application for publication in the Official Gazette. Should the Examining Attorney have any questions or require additional information, Applicant welcomes the opportunity to discuss this matter by telephone or email. INDEX OF EXHIBITS ? Exhibit A - App store screenshots ? Exhibit B - Dictionary and technical definitions ? Exhibit C - Analysis of services cited by examining attorney demonstrating they offer services dissimilar to applicant's goods Respectfully submitted, Date: 1/19/2026 Nirmala Kumar Applicant, Principal Consultant, Yellow Sapphire Consulting LLC 11624 NE 97th St, Kirkland WA 98033 (510)725-8237 nirmala_kumar@outlook.com

EVIDENCE

Evidence has been attached: (1) Response Letter To Office Action SN99232169 (2) Exhibit A - Mobile App store screenshots for considering similar and non-similar products (3). Exhibit B - Dictionary and technical definitions (4) EXHIBIT C - Analysis of services cited by examining attorney1 [evi_5046252204-2026011914 1226935749_.Response_To_Office_Action_SN99232169.pdf]2 [evi_5046252204-2026011914 1226935749_.Exhibit_A_-_App_store_screenshots.pdf]3 [evi_5046252204-2026011914 1226935749_.Exhibit_B_-_Dictionary_and_technical_definitions.pdf]4 [evi_5046252204-2026011914 1226935749_.strating_the_y_offer_services_dissimil_ar_to_applicant_s_goods.pdf]

Correspondence Information (current)

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Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

The undersigned has elected not to submit a fee payment for the class(es), believing no fee payment is required under the *Trademark Rules of Practice*. The undersigned acknowledges that the USPTO may, upon later review, require a fee payment.

Response Signature

Signature: /Nirmala A. Kumar/ Date: 01/19/2026

Signatory's Name: Nirmala Kumar

Signatory's Position: Owner

Signatory's Phone Number: 5107258237

Signature method: Signed directly within the form

The signatory has confirmed that he/she is not represented by an authorized attorney, and that he/she is either: (1) the owner/holder; or (2) a person or persons with legal authority to bind the owner/holder; and if he/she had previously been represented by an attorney in this matter, either he/she revoked their power of attorney by filing a signed revocation with the USPTO or the USPTO has granted this attorney's withdrawal request.

Thank you,

The TEAS support team

Mon Jan 19 14:27:40 ET 2026

STAMP: USPTO/ROA-50.46.252.204-20260119142740468125-99232169-
91089cf1d31443acb0a14b37a848bdd1d3ae567c29360e236d3adf3eb3087fd2e-N/A-N/A-20260119141226935749