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May 17, 2010

Hon. Harold Baer, Jr.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Gucci v. Durango Merchant Services, LLC., et. al.
SDNY 09-CV-6925

Dear Judge Baer:

This is submitted in reply to Plaintiff Gucci's letter dated May 10, 2010 regarding the allegedly insufficient document production of Defendant Durango Merchant Services, LLC.

Gucci's indictment of Durango as having "*refused to produce any documents in response to a number of Plaintiff's requests*" is unfounded and represents a continued misunderstanding of the extent of Durango's role (or lack thereof) in the relevant marketplace.

As noted on multiple occasions, it is not Durango Merchant Services' function, role, or responsibility to decide which merchants would represent acceptable accounts to approve for credit card processing, since the processing banks presumably perform any due diligence regarding same. Once again, Durango is merely a five-employee company that acts as a broker to refer merchants to actual credit card processors.

Furthermore, Gucci's letter expresses dissatisfaction with the *number of pages* produced by Durango. However, the number of pages produced is not the measure of sufficiency of document production. If anything, the fact that Durango had only a small quantity of documents to produce evidences Durango's sharply limited involvement in the facts and circumstances that gave rise to the original infringement litigation.

Next, it must specifically be noted that Durango maintains no documents that literally define the phrase "high risk," but listed no fewer than *twenty-one examples* of same in its answer to Gucci's Interrogatory Number 5.

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Finally, as expressly stated in Durango's answer to Gucci's Interrogatory Number 11, "*Durango does not generally keep records on merchants once they are set-up for more than three months due to privacy concerns.*"

Due to all of the foregoing, as was confirmed in writing to Gucci's counsel on May 10, 2010, this is to confirm that my client, Durango Merchant Services, LLC. has conducted a diligent and thorough search, including a search of electronic records, and Durango does not have any additional relevant document within its custody or control.

Sincerely,

/s/ Todd Wengrovsky

Todd Wengrovsky