

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

COMPLAINT OF GAMEFLY, INC.                    )  
  )  
  )                   Docket No. C2009-1

**FIRST REQUEST FOR ADMISSIONS OF THE UNITED STATES  
POSTAL SERVICE TO GAMEFLY, INC.**

(May 11, 2010)

Pursuant to Rules 25 through 28 of the Postal Regulatory Commission's  
Rules of Practice and Procedure, the Postal Service respectfully submits the  
following request for admissions to GameFly, Inc.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:  
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May 11, 2010

Pursuant to Rules 25 through 28 of the Postal Regulatory Commission's Rules of Practice and Procedure, the United States Postal Service ("Postal Service") demands that GameFly, Inc. ("GameFly") admit or specifically deny for the purposes of the above-captioned proceeding, and subject to all pertinent objections as to admissibility which may be interposed during further proceedings, the truth of the following facts.

In the event that any request is denied in whole or in part, you should set forth the reasons for such denial and identify the persons having knowledge of the facts underlying the request and the documents relating to the request.

### **Definitions**

1. "GameFly" refers to GameFly, Inc. This definition includes the officers, directors, agents and employees of GameFly, Inc.
2. "You" and "your" refers to GameFly, as indicated by the context of the question.
3. The terms "related to," "relating to" or "in relation to" mean being in any way relevant to, commenting on, consisting of, referring to, composing, comprising, discussing, evidencing, identifying, involving, reflecting, or underlying.
4. "DVD" means an optical disc storage medium also known as "Digital Versatile Disc" or "Digital Video Disc." As used in these questions, the term encompasses movie, music and game DVDs, and next-generation High Definition optical formats (such as Blu-ray Disc) as well as the standard definition format.

### **Request for Admissions**

1. Please admit that, in meetings with Area postal officials at the spring 2009 Postal Forum, representatives of GameFly claimed that DVD games are thicker than other DVDs, in particular those used for movies.

2. Please admit that, in the spring 2009 Postal Forum meetings GameFly arranged with postal Area managers, GameFly representatives stated that GameFly's two percent theft rate was approximately double its one percent breakage rate.

3. Please admit that GameFly's breakage rate when using the flats mail processing stream is approximately the same as the Netflix breakage rate as found via discovery in this docket.