

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY INC.

GFL/USPS-32. Please produce all directives, guidance, guidelines, handbooks, instructions, manuals, notices, rules, SOPs, standards and similar communications issued by the Postal Service that limit the access of Netflix personnel to USPS personnel or facilities.

RESPONSE:

There are no such documents, due to the fact the Netflix is not currently conducting discovery into Postal Service processing methods.

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY INC.

GFL/USPS-33. Please produce all directives, guidance, guidelines, handbooks, instructions, manuals, notices, rules, SOPs, standards and similar communications issued by the Postal Service that limit the access of Blockbuster personnel to USPS personnel or facilities.

RESPONSE:

There are no such documents, due to the fact the Blockbuster is not currently conducting discovery into Postal Service processing methods.

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY INC.

GFL/USPS-38. Please produce all presentations to the Executive Committee of the Postal Service since January 1, 2005, concerning possible changes in rates or classifications for DVD mailers. Please also produce all workpapers and supporting documentation for each such presentation.

RESPONSE:

Responsive documentation has been made available for inspection to parties certifying their adherence to protective conditions.

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY INC.

GFL/USPS-58. This question refers to Paragraph 26 of the parties' July 20, 2009, Joint Statement of Undisputed and Disputed Facts. Paragraph 26 contains the following GameFly statement, which the Postal Service declined to join: "video game DVDs in lightweight mailers can also be mailed as one-ounce letters."

- (a) Please identify each element of the quoted statement with which the Postal Service is unwilling to agree.
- (b) For each such element, please explain why the Postal Service is unwilling to agree with it.
- (c) If the reasons stated in part (b) are based in whole or part on documents, please produce them.
- (d) If the reasons stated in part (b) are based in whole or part on communications from Postal Service employees, please provide the name of each such employee; his or her job title, department or group, and work location at the time of the communication(s); and the substance of the communication.

RESPONSE:

(a)-(b) The Postal Service declined to agree with this statement at the time of the Joint Statement because it is unaware of any circumstance in which it has studied this precise question. Upon further examination, the Postal Service does not contest this assertion.

(c) N/A

(d) N/A

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY INC.

GFL/USPS-65. This question refers to Paragraph 109 of the parties' July 20, 2009, Joint Statement of Undisputed and Disputed Facts. Paragraph 109 contains the following GameFly statement, which the Postal Service declined to join: "[A]utomated processing of DVD reply mailers to obtain piece counts for assessing postage can be performed in a manner that produces lower breakage rates than does normal automated letter sorting."

- (a) Please identify each element of the quoted statement with which the Postal Service is unwilling to agree.
- (b) For each such element, please explain why the Postal Service is unwilling to agree with it.
- (c) If the reasons stated in part (b) are based in whole or part on documents, please produce them.
- (d) If the reasons stated in part (b) are based in whole or part on communications from Postal Service employees, please provide the name of each such employee; his or her job title, department or group, and work location at the time of the communication(s); and the substance of the communication.

RESPONSE:

- (a) The Postal Service is unwilling to agree with the entire quoted statement, in that it is a speculative statement that the Postal Service cannot verify.

- (b) It is possible that piece counts may be obtained via automated processing methods other than normal automated letter processing, but the Postal Service has no data by which it can compare the breakage rates of these methods with the breakage rate of normal automated letter sorting. Therefore, the Postal Service is unwilling to agree with the quoted statement.

- (c) The response in part (b) is not based on any documents.

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO DISCOVERY REQUEST OF GAMEFLY INC.

(d) The response in part (b) reflects the understanding of a number of functional groups at Postal Service Headquarters, including Engineering and Finance.