

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

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

RESPONSES OF THE UNITED STATES POSTAL SERVICE  
TO DISCOVERY REQUESTS OF GAMEFLY, INC.  
(GFL/USPS-45-47)  
(August 28, 2009)

Pursuant to Rules 26 and 27 of the Commission's Rules of Practice and Procedure, the Postal Service hereby provides responses to the following discovery requests of GameFly, Inc.: GFL/USPS-45-47.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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GFL/USPS-45. This question concerns paragraph 33 of the parties' July 20, 2009, Joint Statement of Undisputed and Disputed Facts." In paragraph 33, the Postal Service contends that: "(a) DVDs may have different characteristics (e.g., DVDs vary in their thickness); (b) a DVD containing a video game is generally thicker than a DVD containing a movie, which is thicker than a blank DVD sold to consumers; and (c) thicker DVDs are less flexible and heavier." Please produce all data, studies and analyses that that you rely on in support of the quoted contentions.

**RESPONSE:**

[Note: *Quotation marks in question are reproduced exactly as filed by GameFly.*]

Postal Service contentions in this paragraph concerning the differences in thickness between game and movie DVDs were based upon its understanding of statements made by GameFly representatives during meetings with respective Postal Service Area officials during the most recent National Postal Forum, May 18-20, 2009. The Postal Service has yet to substantiate these claims.

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GFL/USPS-46. This question concerns footnote 2 on page 2 of the Postal Service's May 26 Answer to the Complaint, which asserts that movie DVDs tend to be "thinner discs" than game DVDs.

- (a) On what is the assertion based?
- (b) What is the industry standard specification for the thickness of movie DVDs?
- (c) What is the industry standard specification for the thickness of game DVDs?
- (d) What is the industry standard specification for the thickness of Blu-ray discs?
- (e) Please produce (or cite, if publicly available) all authorities on which you rely in support of your answers to parts (a) through (d).

**RESPONSE:**

See the response to GFL/USPS-45.

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GFL/USPS-47. Does the Postal Service contend that game DVDs are, on average, more fragile or brittle than movie DVDs? Unless your answer is an unqualified negative, please produce all data, studies, analyses and other documents on which you rely.

**RESPONSE:**

The Postal Service has no data to make this contention. See the response to GFL/USPS-45.