

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

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

**RESPONSES OF GAMEFLY, INC., TO  
USPS REQUESTS FOR ADMISSIONS  
USPS/GFL-1 THROUGH 3  
(May 25, 2010)**

GameFly, Inc., (“GameFly”) respectfully submits its answers to requests for admissions USPS/GFL-1-3, which the Postal Service served on May 11, 2010. Each requested admission is quoted verbatim and then followed by GameFly’s response.

Respectfully submitted,

David M. Levy  
Matthew D. Field  
Alexandra Megaris  
Seung-Hyun Ryu  
VENABLE LLP  
575 7<sup>th</sup> Street, N.W.  
Washington, DC 20004  
(202) 344-4800

*Counsel for GameFly, Inc.*

May 25, 2010

DOCKET NO. C2009-1  
RESPONSES OF GAMEFLY, INC., TO  
USPS REQUESTS FOR ADMISSIONS  
MAY 25, 2010

**USPS/GFL-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.

**Answer:**

Denied. The GameFly employees who attended the National Postal Forum in May 2009 (identified in the meeting sign-in sheets reproduced in GFL appendix USPS/GFL-38D) have no recollection of making such a statement. Moreover, DVD thickness is not a matter within their responsibilities or expertise. Furthermore, GameFly understands that such a statement would have been incorrect because the standard thickness of both movie and game DVDs is 1.2 mm.

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**USPS/GFL-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.

**Answer:** Denied, with a qualification. GameFly representative have no recollection of offering those particular figures at the Postal Forum. The GameFly employees do recall discussing breakage and theft rates, however, and GameFly believes today that the figures stated in the question were reasonably accurate for the period covered.

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**USPS/GFL-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.

**Answer:** Admitted—with the qualification that GameFly must pay approximately \$1.22 more in postage per round trip to achieve “approximately the same” breakage rate as Netflix.