

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
4 THROUGH 6
(June 9, 2010)**

GameFly, Inc., ("GameFly") respectfully submits its answers to requests for admissions USPS/GFL-4-6, which the Postal Service served on May 26, 2010. Each discovery request is quoted verbatim and then followed by GameFly's answer.

Respectfully submitted,

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June 9, 2010

DOCKET NO. C2009-1
RESPONSES OF GAMEFLY, INC., TO
USPS REQUESTS FOR ADMISSIONS
June 9, 2010

USPS/GFL-4. Please admit that GameFly did not ever enter into the mail stream an orange mail piece that qualified for the one ounce letter rate.

Answer:

Admitted. The Postal Service never offered to provide GameFly with the manual processing that make would the use of such a piece feasible.

DOCKET NO. C2009-1
RESPONSES OF GAMEFLY, INC., TO
USPS REQUESTS FOR ADMISSIONS
June 9, 2010

USPS/GFL-5. Please admit that a returning piece subsequently identified as “lost” in Appendix USPS-GFL-11 received at least one confirm scan.

Answer:

Denied, given the Postal Service’s clarification that “a returning piece” should be read as “each returning piece.” A significant percentage of pieces for which GameFly has requested Confirm service do not receive Confirm scans.

DOCKET NO. C2009-1
RESPONSES OF GAMEFLY, INC., TO
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USPS/GFL-6. Please admit that, in conversations with Area Postal Service representatives at the 2009 National Postal Forum, Dave Barthel claimed that at one time GameFly sought permission to copy the DVDs it purchases.

Answer:

Denied.