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

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

COMPELLED ANSWERS OF GAMEFLY, INC., TO
USPS DISCOVERY REQUESTS
USPS/GFL-5, 8, 38, 39, and 50(a) and (b)
(June 14, 2010)

Pursuant to Presiding Officer's Ruling No. C2009-1/23, issued June 10, 2010, GameFly, Inc., ("GameFly") respectfully submits these compelled answers to discovery requests USPS/GFL-5, 8, 38, 39, and 50(a)-(b). Each discovery request is quoted verbatim and then followed by GameFly's answer.

Respectfully submitted,

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

Counsel for GameFly, Inc.

June 14, 2010

USPS/GFL-5. Please produce all documents and communications related to actual or alleged theft of GameFly DVDs, the mail piece design of each such piece, and efforts to address or remediate actual or alleged theft.

Answer:

Presiding Officer's Ruling No. C2009-1/23 has ordered GameFly to produce any documents that discuss both the theft of GameFly DVDs and the design of GameFly's mailpieces. As GameFly has previously stated, it changed the primary color of its mailer from orange to white in 2005 in part to make the mailer less identifiable to thieves. GameFly does not retain any documents discussing this change. GameFly has searched for additional documents (including emails) discussing mailpiece design and theft and has found one email, which GameFly is producing as Supplemental Appendix USPS-GFL-5.

In its Supplemental Answer to USPS/GFL-5, filed on June 10, 2010, GameFly produced emails from Don Judge, David Barthel, Sam Guttman, Dave Hodess, Mike Gimlett, and Terri Luke, the GameFly employees most likely to have information regarding the investigation and remediation of the theft of GameFly DVDs. All significant communications regarding the theft of GameFly DVDs—and therefore any emails that discuss both theft and its relation to mailpiece design—should have one of these individuals as a sender or recipient. Thus, if any additional emails exist regarding this topic, they should have been included in Library Reference GFL-LR-C2009-1-8-GameFly Emails Responsive to USPS/GFL-5 or Library Reference GFL-LR-C2009-1-2-Material Responsive to USPS/GFL-5.

USPS/GFL-8. Please describe in detail the production of mail pieces, starting with procurement of stock and all mailing/shipping supplies and extending to the point actual mail is inducted or entered. If changes in mail piece design triggered or coincided with any change in the production process, please explain completely before and after processes and why such changes were undertaken.

Answer:

In its Supplemental Answer to USPS/GFL-8, GameFly provided a narrative description of the process by which GameFly procures its mailers, packages games into them, and prepares them for entry with the Postal Service. Additionally, GameFly provided a purchase order and invoice for a mailer it has used.

The only additional information GameFly possesses that is responsive to this request is attached as Library Reference GFL-LR-C2009-1-9 Compelled Response to USPS/GFL-8. This information consists of proposals produced for GameFly by a vendor of mailers. The proposals describe the design of the mailers.

GameFly has never changed the design of its mailpiece in response to a change in its vendors' production processes.

USPS/GFL-38. Please produce all records of all meetings between GameFly and postal employees. Please include the topics discussed and the meeting minutes prepared by GameFly employees.

Answer:

Library Reference GFL-LR-C2009-1-1-Material Responsive to USPS/GFL-38, -46, and -49, produced on June 10, 2010, contains records of meetings with Postal Service employees contained in the files of Dave Hodess, Don Judge, David Barthel, Sam Guttman, Mike Gimlett, and Terri Luke. These individuals are the most knowledgeable about the information that the Postal Service seeks and most likely to have responsive information. This library reference also contains the emails of GameFly's consultant, Sander Glick, that are responsive to USPS/GFL-38, 46, and 49. A separate library reference, GFL-LR-C2009-1-4-GameFly Emails Responsive to USPS/GFL-46, contains emails between these individuals (minus Mr. Glick) with the Postal Service or Postal Inspectors.

Also included in Library Reference GFL-LR-C2009-1-1-Material Responsive to USPS/GFL-38, -46, and -49 are copies of presentations given to the Postal Service during meetings with GameFly personnel.

GameFly has performed additional searches of its email system and found 35 additional non-privileged, responsive emails. GameFly is producing these emails as Library Reference GFL-LR-C2009-1-10 Compelled Response to USPS/GFL-38 and 46.

GameFly continues to withhold on grounds of settlement privilege the emails and meeting minutes concerning any settlement discussions between the parties, both before and after the filing of GameFly's complaint. GameFly also continues to withhold the written "meeting minutes" and other meeting "records" created by GameFly employees and agents after such meetings but not disclosed to the Postal Service. These documents were communications among GameFly's legal counsel, economic consultants and senior executives in anticipation of litigation. Those communications are covered by attorney-client privilege and the work product doctrine. A listing of these documents is included in the updated privilege log GameFly will provide to the Postal Service.

USPS/GFL-39. Please produce all communications with other parties identified in this case, including all parties who submitted any filing posted in the C2009-1 docket.

Answer:

GameFly is producing non-privileged communications with Netflix as Appendix USPS-GFL-39.

GameFly also has responsive written communications with Blockbuster. GameFly does not assert any claim of privilege or confidentiality over the documents on its own behalf. Blockbuster's counsel, however, is in trial today and has not had an opportunity to review the documents for release. Accordingly, GameFly is filing the documents in camera pursuant to Presiding Officer's Ruling No. C2009-1/23 at 15.

All other communications responsive to this request are protected by the settlement privilege or attorney work product privilege and are included on the privilege log GameFly is producing.

USPS/GFL-46. Please produce all records of all emails between GameFly and postal employees.

Answer:

Please see supplemental answer to USPS/GFL-38. Pursuant to the Presiding Officer's ruling, GameFly has not produced any further emails on which the Postal Service was an addressee.

GameFly has searched its files for records of emails between GameFly and postal employees that have not been produced or are not being produced in response to USPS/GFL-38. GameFly has located four non-privileged emails forwarding emails between GameFly and the Postal Service, and it is producing these emails in Library Reference GFL-LR-C2009-1-10 Compelled Response to USPS/GFL-38 and 46. The only other responsive documents are internal communications between GameFly's legal counsel, economic consultants and senior management commenting on or reacting to emails between GameFly and the Postal Service. All such internal documents are covered by attorney-client privilege or work-product protection. We have identified those documents in the privilege log filed separately today.

USPS/GFL-50. Please provide a complete history of the physical design and composition of DVDs (as distinguished from mail piece design) containing games or other materials sent to GameFly subscribers and customers.

a. For each DVD design, please provide the physical dimensions, including thickness.

b. For each DVD design, please provide a complete description of the materials used in producing the DVD.

Answer:

GameFly does not have any information responsive to this request. To the best of GameFly's knowledge, the physical design and composition of DVDs used for video games have adhered consistently to the specifications identified in GameFly's May 25 initial response to this question. Last week, GameFly measured the dimensions of several of the game DVDs in its rental inventory and determined that they conformed to this industry standard. The results of this informal study are attached as Appendix USPS-GFL-50.

SUPPLEMENTAL APPENDIX USPS-GFL-5

Document ID: 0.7.10.729291

From: Natalie Marin </o=gamefly/ou=first administrative group/cn=recipients/cn=nmarin>

To: Terri Luke </o=gamefly/ou=first administrative group/cn=recipients/cn=tluke>; Brent Freidlin </o=gamefly/ou=first administrative group/cn=recipients/cn=bfreidlin>; Chuck Iacuzzo </o=gamefly/ou=first administrative group/cn=recipients/cn=ciacuzzo>; Daniel Blanchard </o=gamefly/ou=first administrative group/cn=recipients/cn=dblanchard>; Geoffrey Long </o=gamefly/ou=first administrative group/cn=recipients/cn=glong>; Gregory Paz </o=gamefly/ou=first administrative group/cn=recipients/cn=gpaz>; Jaime Gonzalez </o=gamefly/ou=first administrative group/cn=recipients/cn=jgonzalez>; Jolie Baca </o=gamefly/ou=first administrative group/cn=recipients/cn=jbaca>; Julia Verano </o=gamefly/ou=first administrative group/cn=recipients/cn=jverano>; Julie Stautzenbach </o=gamefly/ou=first administrative group/cn=recipients/cn=jstautzenbach>; Justin Freeman </o=gamefly/ou=first administrative group/cn=recipients/cn=jfreeman>; Kelly King </o=gamefly/ou=first administrative group/cn=recipients/cn=kking>; Kristyn Willis </o=gamefly/ou=first administrative group/cn=recipients/cn=kwillis>; Marquita Biscoe </o=gamefly/ou=first administrative group/cn=recipients/cn=mbiscoe>; Mia Powell </o=gamefly/ou=first administrative group/cn=recipients/cn=mpowell>; Monique Tripplett </o=gamefly/ou=first administrative group/cn=recipients/cn=mtripplett>; Paul Knepper </o=gamefly/ou=first administrative group/cn=recipients/cn=pknepper>; Phuong Ly </o=gamefly/ou=first administrative group/cn=recipients/cn=ply>; Robert Koenig </o=gamefly/ou=first administrative group/cn=recipients/cn=rkoenig>; Roscio Ponce </o=gamefly/ou=first administrative group/cn=recipients/cn=rponce>; Sopheak Phuong </o=gamefly/ou=first administrative group/cn=recipients/cn=sphuong>; Steve Marrichi </o=gamefly/ou=first administrative group/cn=recipients/cn=smarrichi>; Violet McKeon </o=gamefly/ou=first administrative group/cn=recipients/cn=vmckeon>

Cc:

Bcc:

Subject: RE: New GameFly Mailer

Date: Wed Nov 01 2006 12:48:44 PST

Attachments:

Team,

When discussing the new mailers with customers do not communicate in any way that the new mailer is an attempt to prevent loss within the USPS. The new mailer is just one of the many ways the company is looking to improve the service and this is what should be communicated to our customers.

Thanks,
Natalie

_____

From: Terri Luke
Sent: Tuesday, October 31, 2006 8:48 AM
To: Brent Freidlin; Chuck Iacuzzo; Daniel Blanchard; Geoffrey Long; Gregory Paz; Jaime Gonzalez; Jolie Baca; Julia Verano; Julie Stautzenbach; Justin Freeman; Kelly King; Kristyn Willis; Marquita Biscoe; Mia Powell; Monique Tripplett; Natalie Marin; Paul Knepper; Phuong Ly; Robert Koenig; Roscio Ponce; Sopheak Phuong; Steve Marrichi; Terri Luke; Violet McKeon
Subject: FW: New GameFly Mailer

This went out this morning to announce our new mailer. For a period of time (until the orange mailers run out), we will be using both.

Thanks.

-----Original Message-----
From: GameFly [mailto:respond@gamefly.com]
Sent: Tuesday, October 31, 2006 7:16 AM
To: Terri Luke
Subject: New GameFly Mailer

This e-mail was sent to you from GameFly.
To ensure delivery to your inbox (not bulk, junk, or spam folders), please add us to your address book.

Dear Terri,

We've changed our mailer! As of this week, you may see your games arrive in a new white envelope, instead of the orange envelope you've come to know and love.

During the transition, your games may arrive in either an orange or a white mailer.

If you have any questions or comments, please contact our Customer Service department at support@gamefly.com.

Happy Gaming!

GameFly Support
E-mail: support@gamefly.com
Online Help: www.gamefly.com/help

GameFly – Ready to Play™

If you have received this message in error, or wish to modify your GameFly mailing preferences, please edit your account settings.

Please do not reply to this e-mail, as we are unable to respond from this address. If you need help or would like to contact us, please visit our Help/FAQ section or e-mail support@gamefly.com.

GameFly, Inc. PO Box 5326 Culver City, CA 90231-5326

EMAIL ID 543444GF

APPENDIX USPS-GFL-39

Levy, David M.

From: Levy, David M.
Sent: Monday, September 14, 2009 4:18 PM
To: Timothy J. May (tmay@pattonboggs.com)
Subject: GameFly complaint -- response to Netflix motion
Attachments: 09-09-14 GFL response to Netflix motion for access to sealed docs.pdf

Tim --

As filed this afternoon.

David

Levy, David M.

From: Levy, David M.
Sent: Friday, September 25, 2009 3:12 PM
To: Timothy J. May (tmay@pattonboggs.com)
Cc: 'Reed, Elizabeth A - Washington, DC'; Keith E. Weidner (Keith.E.Weidner@usps.gov)
Subject: GameFly complaint -- motion to unseal documents
Attachments: 09-09-25 GFL motion to unseal--PUBLIC VERSION.pdf; 09-09-25 GFL motion to unseal--PROPRIETARY.pdf

Tim --

Attached is the proprietary version of a motion filed on behalf of GameFly this afternoon to unseal a number of documents that the USPS produced in discovery in the complaint case. We are also sending you by messenger this afternoon a set of the documents that are the subject of the motion. Many of the documents obviously involve Netflix.

The Postal Service has designated all of this stuff as proprietary. I'm sending it to you because you've signed the protective conditions.

Also attached is a public version of the motion. Could you be kind enough to forward it to Mr. Hyman? I don't have an email address for him.

Thanks,
David

Levy, David M.

From: Levy, David M.
Sent: Friday, September 25, 2009 3:32 PM
To: Timothy J. May (tmay@pattonboggs.com)
Subject: GameFly complaint -- ruling issued today on Netflix's motion for access to protected documents
Attachments: 09-09-25 POR 4 [re Netflix request for access to docs].pdf

Tim --

I just saw this ruling. It suggests that Mr. Hyman won't be able to see the protected material for a while yet.

David

Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com] on behalf of May, Timothy [TMay@PattonBoggs.com]
Sent: Tuesday, September 29, 2009 3:24 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion for access to protected documents

Hello Mr. Levy,

We still await a copy of the unredacted version of your September 3, 2009 filing - Response of Gamefly, Inc to Opposition of the USPS to Motion to Compel.

Thank you.

Barbara O'Melinn
for Timothy May

From: Levy, David M. [mailto:DMLevy@Venable.com]
Sent: Friday, September 25, 2009 3:32 PM
To: May, Timothy
Subject: GameFly complaint -- ruling issued today on Netflix's motion for access to protected documents

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Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com] on behalf of May, Timothy [TMay@PattonBoggs.com]
Sent: Wednesday, September 30, 2009 2:56 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion to unseal documents

Hello Mr. Levy,

Thank you kindly for the documents you sent to Mr. May by courier last Friday. I understand from Mr. May that (either at the front or back of the bundle you sent) there was a document dated 2009 - probably a couple of months ago. I am unable to locate that document and wonder if I might be so bold to request that if it exists you might kindly forward another copy to me.

Thank you.

Barbara O'Melinn
Secretary to Timothy May

From: Levy, David M. [mailto:DMLevy@Venable.com]
Sent: Friday, September 25, 2009 3:12 PM
To: May, Timothy
Cc: Reed, Elizabeth A - Washington, DC; Keith.E.Weidner@usps.gov
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recommending to another party any tax-related matter addressed herein. We provide th
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Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com]
Sent: Monday, October 05, 2009 2:35 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion for access to protected documents

Hello Mr. Levy,

Mr. May asked me to let you know that we are still awaiting a copy of the unredacted version of your September 3 filing. I believe the 7 day period for Blockbuster to answer has passed.

Many thanks.

Barbara
for Timothy May

From: O'Melinn, Barbara **On Behalf Of** May, Timothy
Sent: Tuesday, September 29, 2009 3:24 PM
To: 'Levy, David M.'
Subject: RE: GameFly complaint -- motion for access to protected documents

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Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com]
Sent: Monday, October 05, 2009 2:37 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion to unseal documents

FYI.

Many thanks.

Barbara
For Timothy May

From: O'Melinn, Barbara **On Behalf Of** May, Timothy
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Levy, David M.

From: Levy, David M.
Sent: Monday, October 05, 2009 2:40 PM
To: 'O'Melinn, Barbara'
Subject: RE: GameFly complaint -- motion for access to protected documents
Attachments: 09-09-03 GFL response to USPS opposition + attachments [PROPRIETARY].pdf

Dear Ms. O'Melinn --

You are right -- the last day for objecting was Friday, and no one did. Here is the protected version of our September 3 filing.

David

From: O'Melinn, Barbara [mailto:BOMelinn@PattonBoggs.com]
Sent: Monday, October 05, 2009 2:35 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion for access to protected documents

Hello Mr. Levy,

Mr. May asked me to let you know that we are still awaiting a copy of the unredacted version of your September 3 filing. I believe the 7 day period for Blockbuster to answer has passed.

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Levy, David M.

From: Levy, David M.
Sent: Monday, October 05, 2009 2:45 PM
To: 'O'Melinn, Barbara'
Subject: RE: GameFly complaint -- motion to unseal documents

There are several 2009 documents in the September 25 bundle. I don't have time to search through the whole stack now, but perhaps Mr. May has in mind the document that begins on page GFL1334 or the one that begins on page 1349.

DML

From: O'Melinn, Barbara [mailto:BOMelinn@PattonBoggs.com]
Sent: Monday, October 05, 2009 2:37 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion to unseal documents

FYI.

Many thanks.

Barbara
For Timothy May

From: O'Melinn, Barbara **On Behalf Of** May, Timothy
Sent: Wednesday, September 30, 2009 2:56 PM
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Subject: RE: GameFly complaint -- motion to unseal documents

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Secretary to Timothy May

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Subject: GameFly complaint -- motion to unseal documents

Tim --

Attached is the proprietary version of a motion filed on behalf of GameFly this afternoon to unseal a number of

documents that the USPS produced in discovery in the complaint case. We are also sending you by messenger this afternoon a set of the documents that are the subject of the motion. Many of the documents obviously involve Netflix.

The Postal Service has designated all of this stuff as proprietary. I'm sending it to you because you've signed the protective conditions.

Also attached is a public version of the motion. Could you be kind enough to forward it to Mr. Hyman? I don't have an email address for him.

Thanks,
David

****
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Levy, David M.

From: Levy, David M.
Sent: Monday, October 05, 2009 2:47 PM
To: 'O'Melinn, Barbara'
Subject: RE: GameFly complaint -- motion to unseal documents

Dear Ms. Melinn --

A moment ago, I sent you by email a pdf of the protected version of our September 3 filing and attachments. It's an 8 MB file. If you didn't receive it, let me know and I'll send you a hard copy by messenger.

David Levy

From: O'Melinn, Barbara [mailto:BOMelinn@PattonBoggs.com]
Sent: Monday, October 05, 2009 2:37 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion to unseal documents

FYI.

Many thanks.

Barbara
For Timothy May

From: O'Melinn, Barbara **On Behalf Of** May, Timothy
Sent: Wednesday, September 30, 2009 2:56 PM
To: 'Levy, David M.'
Subject: RE: GameFly complaint -- motion to unseal documents

Hello Mr. Levy,

Thank you kindly for the documents you sent to Mr. May by courier last Friday. I understand from Mr. May that (either at the front or back of the bundle you sent) there was a document dated 2009 - probably a couple of months ago. I am unable to locate that document and wonder if I might be so bold to request that if it exists you might kindly forward another copy to me.

Thank you.

Barbara O'Melinn
Secretary to Timothy May

From: Levy, David M. [mailto:DMLevy@Venable.com]
Sent: Friday, September 25, 2009 3:12 PM
To: May, Timothy
Cc: Reed, Elizabeth A - Washington, DC; Keith.E.Weidner@usps.gov
Subject: GameFly complaint -- motion to unseal documents

Tim --

Attached is the proprietary version of a motion filed on behalf of GameFly this afternoon to unseal a number of documents that the USPS produced in discovery in the complaint case. We are also sending you by messenger this afternoon a set of the documents that are the subject of the motion. Many of the documents obviously involve Netflix.

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Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com]
Sent: Monday, October 05, 2009 2:52 PM
To: Levy, David M.
Subject: RE: GameFly complaint -- motion to unseal documents

No, thank you - this is perfect. Thanks again.

From: Levy, David M. [mailto:DMLevy@Venable.com]
Sent: Monday, October 05, 2009 2:47 PM
To: O'Melinn, Barbara
Subject: RE: GameFly complaint -- motion to unseal documents

Dear Ms. Melinn --

A moment ago, I sent you by email a pdf of the protected version of our September 3 filing and attachments. It's an 8 MB file. If you didn't receive it, let me know and I'll send you a hard copy by messenger.

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Sent: Monday, October 05, 2009 2:37 PM
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FYI.

Many thanks.

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Thanks,
David

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disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirement
form and substance.
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Levy, David M.

From: Levy, David M.
Sent: Wednesday, October 07, 2009 3:26 PM
To: Reed, Elizabeth A - Washington, DC; 'May, Timothy'
Cc: 'Weidner, Keith E - Washington, DC'
Subject: GameFly complaint -- GFL/USPS-201 through 211
Attachments: DC1DOCS1-#366218-v1-GFL_rogs_201-211.DOC

Dear Liz and Tim --

Attached are some follow-up interrogatories that GameFly plans to file concerning a Postal Service study of the costs of handling Netflix DVD mailers. Because the Postal Service has designated the study as proprietary, we will file these questions under seal except for questions that the Postal Service and Netflix content to our filing publicly. Could you let me know by noon tomorrow whether you so consent for any questions? (If you can't respond by noon, I won't be offended, but will simply file the questions under seal.)

Regards,
David

Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com] on behalf of May, Timothy [TMay@PattonBoggs.com]
Sent: Thursday, October 08, 2009 11:46 AM
To: Levy, David M.
Subject: RE: GameFly complaint -- GFL/USPS-201 through 211

Hello Mr. Levy,

Further to your email of yesterday, Mr. May has no objection to any of your questions being made public.

Barbara O'Melinn
for Tim May

From: Levy, David M. [mailto:DMLevy@Venable.com]
Sent: Wednesday, October 07, 2009 3:25 PM
To: Reed, Elizabeth A - Washington, DC; May, Timothy
Cc: Weidner, Keith E - Washington, DC
Subject: GameFly complaint -- GFL/USPS-201 through 211

Dear Liz and Tim --

Attached are some follow-up interrogatories that GameFly plans to file concerning a Postal Service study of the costs of handling Netflix DVD mailers. Because the Postal Service has designated the study as proprietary, we will file these questions under seal except for questions that the Postal Service and Netflix content to our filing publicly. Could you let me know by noon tomorrow whether you so consent for any questions? (If you can't respond by noon, I won't be offended, but will simply file the questions under seal.)

Regards,
David

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Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com] on behalf of May, Timothy [TMay@PattonBoggs.com]

Sent: Friday, October 09, 2009 1:49 PM

To: Levy, David M.

Subject: GameFly - Access to unredacted documents filed yesterday.

Mr. Levy,

Mr. May would like to have a copy of the unredacted version of your Seventh Discovery request, filed yesterday, (GFL/USPS 201-211).

Is it possible you could email it to him.

Many thanks.

Barbara for Tim May

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Levy, David M.

From: Levy, David M.
Sent: Friday, October 09, 2009 3:04 PM
To: 'May, Timothy'
Cc: 'O'Melinn, Barbara'
Subject: RE: GameFly - Access to unredacted documents filed yesterday.
Attachments: 09-10-08 GFL-USPS-201-211 [PROPRIETARY].pdf; 09-10-06 GFL-USPS-201-211 [REDACTED].pdf; 09-10-08 GFL motion to unseal.pdf; 09-10-08 GFL 3007.22 application.DOC.pdf

Tim --

Attached are (1) the proprietary version of the yesterday's discovery requests, (2) the public version, (3) GFL's application to file the proprietary version under seal, and (4) GFL's motion to unseal the proprietary version.

David

From: O'Melinn, Barbara [mailto:BOMelinn@PattonBoggs.com] **On Behalf Of** May, Timothy
Sent: Friday, October 09, 2009 1:49 PM
To: Levy, David M.
Subject: GameFly - Access to unredacted documents filed yesterday.

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Levy, David M.

From: O'Melinn, Barbara [BOMelinn@PattonBoggs.com] on behalf of May, Timothy [TMay@PattonBoggs.com]
Sent: Friday, October 09, 2009 3:06 PM
To: Levy, David M.
Subject: RE: GameFly - Access to unredacted documents filed yesterday.

Mr. Levy,

Thank you very much. I appreciate it.

Barbara for Tim May

From: Levy, David M. [mailto:DMLevy@Venable.com]
Sent: Friday, October 09, 2009 3:04 PM
To: May, Timothy
Cc: O'Melinn, Barbara
Subject: RE: GameFly - Access to unredacted documents filed yesterday.

Tim --

Attached are (1) the proprietary version of the yesterday's discovery requests, (2) the public version, (3) GFL's application to file the proprietary version under seal, and (4) GFL's motion to unseal the proprietary version.

David

From: O'Melinn, Barbara [mailto:BOMelinn@PattonBoggs.com] **On Behalf Of** May, Timothy
Sent: Friday, October 09, 2009 1:49 PM
To: Levy, David M.
Subject: GameFly - Access to unredacted documents filed yesterday.

Mr. Levy,

Mr. May would like to have a copy of the unredacted version of your Seventh Discovery request, filed yesterday, (GFL/USPS 201-211).

Is it possible you could email it to him.

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Levy, David M.

From: Levy, David M.
Sent: Tuesday, October 13, 2009 9:14 PM
To: Weidner, Keith E - Washington, DC; 'Reed, Elizabeth A - Washington, DC'; 'May, Timothy'
Subject: GameFly complaint -- proprietary version of motion to compel filed today
Attachments: 09-10-13 GFL motion to compel--PROPRIETARY.pdf

Levy, David M.

From: Levy, David M.
Sent: Wednesday, October 21, 2009 2:33 PM
To: Keith E. Weidner (Keith.E.Weidner@usps.gov); Elizabeth A. Reed (elizabeth.a.reed@usps.gov); Timothy J. May (tmay@pattonboggs.com)
Subject: Proporietary version of GameFly discovery requests 212 and 213
Attachments: 09-10-19 GFL-USPS-212-213--PROPRIETARY.pdf

Ketih, Liza and Tim --

I'm not sure that I sent these to you before.

David

Levy, David M.

From: Levy, David M.

Sent: Wednesday, October 28, 2009 3:18 PM

To: Weidner, Keith E - Washington, DC; Timothy J. May (tmay@pattonboggs.com)

Subject: Unredacted versions of documents filed under seal by GameFly yesterday

Attachments: 09-10-27 GFL rogs 214-217 [PROPRIETARY].doc; 09-10-27 GFL rejoinder to USPS and BB opps [PROPRIETARY].pdf

Levy, David M.

From: Levy, David M.
Sent: Tuesday, November 10, 2009 2:54 PM
To: 'May, Timothy'
Subject: RE: Request for an unredacted version of GFL/USPS-218-220. Many thanks.
Attachments: 09-11-10 GFL-USPS-218-220 [PROPRIETARY].pdf

Here it is.

David

From: O'Melinn, Barbara [mailto:BOMelinn@PattonBoggs.com] **On Behalf Of** May, Timothy
Sent: Tuesday, November 10, 2009 2:33 PM
To: Levy, David M.
Subject: Request for an unredacted version of GFL/USPS-218-220. Many thanks.

Barbara O'Melinn
for Timothy J. May

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Levy, David M.

From: Levy, David M.
Sent: Tuesday, November 24, 2009 2:24 PM
To: Timothy J. May (tmay@pattonboggs.com)
Subject: GameFly vs. USPS -- PROPRIETARY version of follow-up discovery requests filed yesterday
Attachments: 09-11-23 GFL-USPS-221-224 [PROPRIETARY].pdf

Levy, David M.

From: Levy, David M.
Sent: Wednesday, December 09, 2009 11:52 PM
To: Timothy J. May (tmay@pattonboggs.com)
Subject: FW: Version of comments filed by GameFly under seal today
Attachments: 09-12-09 GFL Comments on POR12--PROPRIETARY.pdf

Tim --

Attached is the proprietary version of GameFly's comments on POR 12. The proprietary item is a phrase on page 11.

Regards,
David

Levy, David M.

From: Mecone, James M - Washington, DC [James.M.Mecone@usps.gov]
Sent: Tuesday, February 02, 2010 4:29 PM
To: Levy, David M.
Cc: TMay@pattonboggs.com
Subject: C2009-1
Attachments: 122(i)-(j) NP.pdf

David:
I attached the Non-Public version of our response to 122(i) - (j), filed with the PRC today.

James M. Mecone
US Postal Service Law Department
475 L'Enfant Plaza, SW
Washington, DC 20260-1137
+ 1 202 268 6525
Fax + 1 202 268 6187
James.M.Mecone@usps.gov

APPENDIX USPS-GFL-50

Title	Platform	Disc Diameter	Inner Ring Diameter
Bionic Commando	PS3	120mm	15mm
Tekken 6	Xbox 360	120mm	15mm
Operation Flashpoint: Dragon Rising	PS3	120mm	15mm
Prince of Persia	Xbox 360	120mm	15mm
Mario and Sonic at the Olympic Games	Wii	120mm	15mm
Wii Sports	Wii	120mm	15mm