

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

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

**FOLLOW-UP (THIRD) REQUEST FOR ADMISSIONS OF THE UNITED
STATES POSTAL SERVICE TO GAMEFLY, INC.**

(June 17, 2010)

Pursuant to Rules 25 through 28 of the Postal Regulatory Commission's
Rules of Practice and Procedure, the Postal Service respectfully submits the
following follow-up request for admissions to GameFly, Inc.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:
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June 17, 2010

Pursuant to Rules 25 through 28 of the Postal Regulatory Commission's Rules of Practice and Procedure, the United States Postal Service ("Postal Service") demands that GameFly, Inc. ("GameFly") admit or specifically deny for the purposes of the above-captioned proceeding, and subject to all pertinent objections as to admissibility which may be interposed during further proceedings, the truth of the following facts.

In the event that any request is denied in whole or in part, you should set forth the reasons for such denial and identify the persons having knowledge of the facts underlying the request and the documents relating to the request.

Definitions

1. "GameFly" refers to GameFly, Inc. This definition includes the officers, directors, agents and employees of GameFly, Inc.
2. "You" and "your" refers to GameFly, as indicated by the context of the question.
3. The terms "related to," "relating to" or "in relation to" mean being in any way relevant to, commenting on, consisting of, referring to, composing, comprising, discussing, evidencing, identifying, involving, reflecting, or underlying.
4. "DVD" means an optical disc storage medium also known as "Digital Versatile Disc" or "Digital Video Disc." As used in these questions, the term encompasses movie, music and game DVDs, and next-generation High Definition optical formats (such as Blu-ray Disc) as well as the standard definition format.

Requests for Admissions

7. Please refer to your answer to Postal Service Request for Admissions USPS/GFL-5. Please admit that some returning mailpieces subsequently identified as “lost” in Appendix USPS-GFL-11 did incur Confirm scans that were reported to GameFly.

8. Please refer to your answer to Postal Service Request for Admissions USPS/GFL-6. Please admit that GameFly has never sought permission to copy any game DVDs it purchases.

9. Please refer to your answer to Postal Service Request for Admissions USPS/GFL-6. Please admit that GameFly has never sought a license to manufacture copies of DVD games.

10. Please refer to your answer to Postal Service Request for Admissions USPS/GFL-6. Please admit that GameFly has never received permission to copy any game DVDs it purchases.