

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

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

**OBJECTION OF GAMEFLY, INC., TO  
USPS DISCOVERY REQUEST  
USPS/GFL-102  
(June 28, 2010)**

Pursuant to Rules 26 and 27 of the Commission's Rules of Practice, GameFly, Inc., ("GameFly") respectfully objects to United States Postal Service discovery request USPS/GFL-102. The question was served by the Postal Service on June 17, 2010. GameFly reserves the right to supplement its objections or raise additional objections in the course of responding to these requests.

Respectfully submitted,

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June 28, 2010

**USPS/GFL-102.** The response to USPS/GFL-51 appears to reference only emails which relate to tests conducted by GameFly to determine mailability or machinability, including susceptibility to breakage and frequency of breakage of GameFly's own mail pieces, and any tests conducted on mail piece designs listed in your response to USPS/GFL-1. Documents, as defined in the Second Discovery Request of USPS to GameFly, Inc. (USPS/GFL-47 to -62), encompass any written, recorded, computer-stored, computer-generated or graphic material however stored, produced or reproduced, construed to the full extent of the definition in Rule 34 of the Federal Rules of Civil Procedure. Please produce all documents and communications related to any tests responsive to USPS/GFL-51, including any communications with the Postal Service.

**Objection:**

GameFly objects to this request to the extent that it asks for "any communications with the Postal Service." As the Presiding Officer recognized in denying the Postal Service's motion to compel answers to requests USPS/GFL-38 and 46, "the Postal Service is privy to all . . . documents and emails" sent to or from the Postal Service, and GameFly should not be required to produce them again. Presiding Officer's Ruling No. C2009-1/23 at 11-12. In any event, any emails GameFly possesses that are responsive to this question would have been produced in Library Reference GFL-LR-C2009-1-4-GameFly Emails Responsive to USPS/GFL-46.

Respectfully submitted,

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