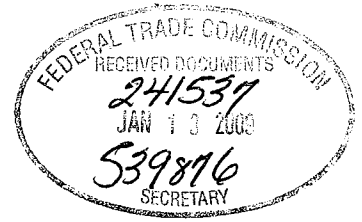


ORIGINAL



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of )  
)  
)  
Polypore International, Inc. )  
a corporation )  
)

Docket No. 9327

PUBLIC DOCUMENT

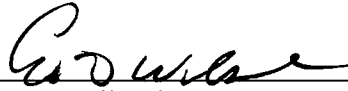
**RESPONDENT'S MOTION TO COMPEL EXIDE TECHNOLOGIES TO PRODUCE  
DOCUMENTS REQUESTED BY SUBPOENA *DUCES TECUM***

Respondent Polypore International, Inc. ("Polypore") respectfully submits this Motion to Compel Exide Technologies ("Exide") to Produce Documents Requested by Subpoena *Duces Tecum*, as amended by agreement between Polypore and Exide, in accordance with Commission Rule § 3.38(a)(2). This Motion is based on the grounds set forth in Polypore's memorandum in support of its Motion to Compel Exide Technologies to Produce Documents Requested by Subpoena *Duces Tecum*.

Respondent seeks the immediate production of documents and electronic data responsive to its subpoena *duces tecum*, as amended by agreement between Polypore and Exide. Counsel for Respondent has conferred with counsel for Exide in a good faith effort to reach a resolution on Exide's compliance with Respondent's subpoena *duces tecum*. Respondent and Exide have been unable to resolve the dispute and Respondent therefore respectfully petitions this Court for an Order requiring immediate compliance.

Dated: January 12, 2009

Respectfully Submitted,



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William L. Rikard, Jr.

Eric D. Welsh

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*Attorneys for Respondent*

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

<b>In the Matter of</b>	)	
	)	<b>Docket No. 9327</b>
	)	
<b>Polypore International, Inc.</b>	)	
<b>a corporation</b>	)	<b>PUBLIC DOCUMENT</b>
	)	

**PROPOSED ORDER**

Upon consideration of Respondent's Motion to Compel Exide Technologies to Produce Documents Requested by Subpoena *Duces Tecum*, any opposition thereto, and the Court being fully informed,

IT IS HEREBY ORDERED, that Respondent's Motion is GRANTED.

IT IS FURTHER ORDERED, that Exide shall immediately take all necessary steps toward producing to Respondent all subpoenaed documents responsive to Respondent's subpoena *duces tecum* as soon as possible. Such production shall be completed within one (1) week from the date of issuance of this Order.

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing this ***Motion to Compel Exide Technologies to Produce Documents Requested by Subpoena Duces Tecum and Proposed Order***, and that the electronic copy is a true and correct copy of the paper original and that a paper copy with an original signature is being filed with:

Donald S. Clark, Secretary  
Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Rm. H-135  
Washington, DC 20580  
[secretary@ftc.gov](mailto:secretary@ftc.gov)

I hereby certify that on January 12, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing ***Motion to Compel Exide Technologies to Produce Documents Requested by Subpoena Duces Tecum and Proposed Order*** upon:


The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[oalj@ftc.gov](mailto:oalj@ftc.gov)

I hereby certify that on January 12, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing ***Motion to Compel Exide Technologies to Produce Documents Requested by Subpoena Duces Tecum and Proposed Order*** upon:

J. Robert Robertson, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[rrobertson@ftc.gov](mailto:rrobertson@ftc.gov)

Steven Dahm, Esq.  
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Donald J. Russell, Esq.  
Robbins, Russell, Englert, Orseck,  
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Washington, D.C. 20006  
[drussell@robbinsrussell.com](mailto:drussell@robbinsrussell.com)



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Charlotte, NC 28202  
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Facsimile: (704) 334-4706

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

<b>In the Matter of</b>	)	
	)	<b>Docket No. 9327</b>
	)	
<b>Polypore International, Inc.</b>	)	
<b>    a corporation</b>	)	<b>PUBLIC DOCUMENT</b>
	)	

**STATEMENT PURSUANT TO 16 C.F.R. § 3.22(f)**

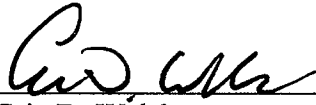
I, Eric D. Welsh, Esq., on behalf of Parker Poe Adams & Bernstein LLP (“Parker Poe”) as counsel for Polypore International, Inc. (“Polypore”), hereby represent that Parker Poe has conferred with counsel for Exide Technologies (“Exide”) in an effort in good faith to resolve by agreement the issues raised by Respondent’s Motion to Compel Exide Technologies to Produce Documents Requested by Subpoena *Duces Tecum*, and have been unable to reach such an agreement.

Parker Poe and counsel for Exide discussed these issues in correspondence on November 20, 2008, November 26, 2008, December 4, 2008, December 22, 2008, January 5, 2009, and January 7, 2009. Additionally, Parker Poe met with counsel for Exide by conference call, including on November 18, 2008, November 25, 2008 and January 5, 2009, to further discuss these issues. During these calls, I was present for Parker Poe and Don Russell, Esq., was present for Exide. During the telephone call on January 5, 2009, counsel for Exide was unable to commit to have Exide’s production complete by January 12, 2009 and could not commit to when Exide’s production would be complete.

As a result of these discussions it was concluded that Polypore and Exide were at an impasse with respect to the issues raised in Polypore’s Motion.

Dated: January 12, 2009

Respectfully Submitted,



---

Eric D. Welsh

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