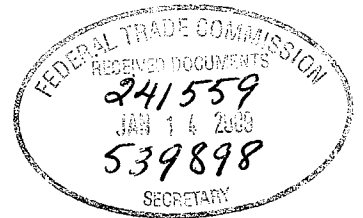


ORIGINAL



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

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

Docket No. 9327

Public Document¹

RESPONDENT’S FIRST REQUEST FOR ADMISSIONS

Pursuant to Rule 3.32 of the Rules of The Federal Trade Commission and the Scheduling Order dated October 22, 2008 that the Federal Trade Commission (“FTC”) respond to the following request within ten days (10) after service of these requests.

DEFINITIONS

Unless otherwise stated, the terms set forth below are defined as follows:

1. “FTC,” “you” and/or “your” shall mean the Federal Trade Commission, and all other persons acting on their behalf, including legal counsel and its agents.
2. “Polypore” or “Respondent” shall mean Respondent, Polypore, as defined in Complaint Counsel’s First Set of Interrogatories to Respondent Polypore International, Inc., including Daramic LLC.
3. “Microporous” shall mean Microporous Products, L.P., as defined in Complaint Counsel’s First Set of Interrogatories to Respondent Polypore International, Inc.
4. “Polypore matter” means the investigation conducted by the FTC under Rule No. 081-0131 and this Administrative Proceeding, Docket No. 9327.
5. “Investigation” means any FTC investigation, whether formal or informal, public or non-public involving Polypore or Microporous.
6. “Party” means Polypore and/or Microporous.
7. “Complaint” means the Complaint issued by the Federal Trade Commission to Polypore International, Inc. in Docket No. 9327.

¹ Respondent’s First Request for Admissions refers to and contains information identified as “Confidential Material” under the terms of the Protective Order entered in this matter. Such “Confidential Material ” has been highlighted in the complete version of Respondent’s First Request for Admissions and has been redacted and labeled “[Redacted – Subject to Protective Order]” in the public version of Respondent’s First Request for Admissions.

8. "Document" and/or "documents" shall mean all written or printed matter of any kind including the originals and all non-identical copies thereof, whether different from the originals by reason of any notation made on such copies or otherwise, including without limitation: minutes, agendas, bills, contracts, leases, assignments, agreements, reports of any sort, summaries, inner-office and inter-office communications, offers, notations of any sort of any sort of conversation, diaries, appointments books or calendars, teletype, telefax, thermofax, confirmations, computer data (including E-Mail and all other information or programs stored in the computer whether or not ever printed or displayed), statistics, graphs, minutes, lists, appraisals, brochures, pamphlets, advertising, marketing, or promotional materials; all drafts, alterations, modifications, changes and amendments of any of the foregoing; all graphics or manual records or representations of any kind, including, without limitation, photographs, microfilm, videotape records, motion pictures and electronic, mechanical or electric records or representations of any kind including, without limitation, tapes, cassettes, discs, disk drives, magnetic cards and recordings.

REQUEST FOR ADMISSION

1. [Redacted – Subject to Protective Order].

RESPONSE:

2. Admit that there is no basis in fact to the allegation of Paragraph 30 of the Complaint that "the major customer has been testing this new product [to compete with Daramic's separators for the UPS market] and had contracted with Microporous for the supply of this product. Microporous had secured significant market share as a result of its contract."

RESPONSE:

3. Admit that at the time of the filing of the Complaint, Microporous did not have a patent on or covering its Ace-Sil product.

RESPONSE:

4. Admit that at the time of the filing of the Complaint, Microporous did not have a patent on or covering its Flex-Sil product.

RESPONSE:

5. [Redacted – Subject to Protective Order].

RESPONSE:

6. [Redacted – Subject to Protective Order].

RESPONSE:

7. [Redacted – Subject to Protective Order].

RESPONSE:

8. [Redacted – Subject to Protective Order].

RESPONSE:

9. [Redacted – Subject to Protective Order].

RESPONSE:

10. [Redacted – Subject to Protective Order].

RESPONSE:

11. Admit that industrial battery separators can be made on the same manufacturing line that produces automotive battery separators without substantial alteration or adjustment of the production line.

RESPONSE:

12. Admit that as of the time the FTC filed the Complaint, the FTC had been told by a party other than Polypore as part of its investigation that there are no technological barriers to producing industrial battery separators on the same manufacturing line that produces automotive battery separators.

RESPONSE:

13. Admit that there are no technological barriers to producing industrial battery separators and automotive battery separators on the same manufacturing line.

RESPONSE:

14. [Redacted – Subject to Protective Order].

RESPONSE:

15. [Redacted – Subject to Protective Order].

RESPONSE:

16. [Redacted – Subject to Protective Order].

RESPONSE:

17. [Redacted – Subject to Protective Order].

RESPONSE:

18. [Redacted – Subject to Protective Order].

RESPONSE:

19. [Redacted – Subject to Protective Order].

RESPONSE:

20. [Redacted – Subject to Protective Order].

RESPONSE:

21. [Redacted – Subject to Protective Order].

RESPONSE:

22. Admit that some manufacturers of batteries for automotive application, wherever located in the world, purchase absorptive glass mat (“AGM”) battery separators for use in those batteries.

RESPONSE:

23. Admit that some manufacturers of batteries for industrial application, wherever located in the world, purchase AGM battery separators for use in those batteries.

RESPONSE:

24. Admit that some manufacturers of batteries for UPS application, wherever located in the world, purchase AGM battery separators for use in those batteries.

RESPONSE:

25. Admit that some manufacturers of batteries for deep cycle application, wherever located in the world, purchase AGM battery separators for use in those batteries.

RESPONSE:

26. [Redacted – Subject to Protective Order].

RESPONSE:

27. [Redacted – Subject to Protective Order].

RESPONSE:

28. [Redacted – Subject to Protective Order].

RESPONSE:

29. [Redacted – Subject to Protective Order].

RESPONSE:

30. [Redacted – Subject to Protective Order].

RESPONSE:

31. [Redacted – Subject to Protective Order].

RESPONSE:

32. [Redacted – Subject to Protective Order].

RESPONSE:

33. Admit that there are no technological or other barrier to maintaining on consignment a supply of battery separators for industrial, automotive, UPS or deep cycle application.

RESPONSE:

34. [Redacted – Subject to Protective Order].

RESPONSE:

35. Admit that manufacturers of batteries for industrial, motive, deep cycle and/or automotive applications have tested and approved separators manufactured by companies other than Respondent in less than two years.

RESPONSE:

36. [Redacted – Subject to Protective Order].

RESPONSE:

37. [Redacted – Subject to Protective Order].

RESPONSE:

38. [Redacted – Subject to Protective Order].

RESPONSE:

39. Admit that prior to the filing of the Complaint, the cost associated with shipping battery separators from China to the West Coast of the United States is very minimal.

RESPONSE:

40. [Redacted – Subject to Protective Order].

RESPONSE:

41. Admit that prior to the filing of the Complaint, batteries shipped in automobiles from Japan to the United States contain battery separators manufactured by companies located in Asia.

RESPONSE:

Dated: January 14, 2009

Respectfully Submitted,

Eric D. Welsh /mew

William L. Rikard, Jr.

Eric D. Welsh

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Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing ***Respondent's First Request for Admissions***, 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

I hereby certify that on January 14, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing ***Respondent's First Request for Admissions*** upon:

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

I hereby certify that on January 14, 2009, I caused to be served via First Class Mail and electronic mail delivery a copy of the foregoing ***Respondent's First Request for Admissions*** to the following person(s):

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