

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

) Docket No. 9327

) Polypore International, Inc.
) a corporation)

) PUBLIC DOCUMENT

RESPONDENT'S MOTION FOR LEAVE TO TAKE THE DEPOSITION OF GRAEME FRASER-BELL IN THE UNITED KINGDOM PURSUANT TO 16 C.F.R. § 3.36(b)

Respondent Polypore International, Inc. ("Polypore") respectfully submits this Motion pursuant to Federal Trade Commission Rule of Practice 3.36, 16 C.F.R. § 3.36, for the issuance of a subpoena *ad testificandum* for the deposition of Graeme Fraser-Bell, the Vice President of International Sales for ENTEK International Ltd., a British corporation and a wholly-owned company of ENTEK International LLC. This Motion is based on the grounds set forth in Polypore's Memorandum in Support of its Motion for Leave to Take the Deposition of Graeme Fraser-Bell in the United Kingdom Pursuant to 16 C.F.R. § 3.36.

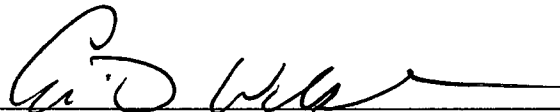
In December 2008, Polypore served four subpoenas *ad testificandum*, including a subpoena for the deposition of Mr. Fraser-Bell as an agent of ENTEK International, LLC, a corporation with its principle place of business in Lebanon, Oregon ("ENTEK") (the "Fraser-Bell Subpoena"). Counsel for ENTEK agreed to accept service of the subpoenas *ad testificandum* issued to ENTEK on December 30, 2008. Since receiving the subpoenas, ENTEK has now changed course, and as with the subpoena *duces tecum* served on it in November 2008, has now attempted to severely limit Polypore's discovery of it. ENTEK opposes Polypore's discovery despite the fact that it has produced tens of thousands of documents to the FTC during the investigational stage of this proceeding last summer and cooperated extensively with the FTC during that investigation.

ENTEK has moved to quash the Fraser-Bell Subpoena, arguing that the subpoena was not properly issued under Section 3.36 of the FTC Rules of Practice. While Respondent disagrees with ENTEK's position and will file its opposition to that motion to quash, Respondent nevertheless in the interest of time moves this Court for the issuance of a subpoena *ad testificandum* directed to Mr. Graeme Fraser-Bell without prejudice to its position regarding the propriety of the Fraser-Bell Subpoena.

For the reasons set forth in the accompanying memorandum of law, Respondent respectfully requests that the Court grant Polypore's motion and issue a subpoena *ad testificandum* for the deposition of Mr. Fraser-Bell in London at a date to be agreed upon by Complaint Counsel, Respondent, ENTEK and the witness.

Dated: January 14, 2009

Respectfully Submitted,



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Docket No. 9327

Polypore International, Inc.)
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PROPOSED ORDER

Upon consideration of Respondent's Motion for Leave to Take the Deposition of Graeme Fraser-Bell in the United Kingdom Pursuant to 16 C.F.R. § 3.36, any opposition thereto, and the Court being fully informed,

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

IT IS FURTHER ORDERED, that Respondent may submit a subpoena to be issued upon Graeme Fraser-Bell, an employee of ENTEK International Ltd., pursuant to 16 C.F.R. § 3.34.

D. Michael Chappell
Administrative Law Judge

Date: _____

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 ***Motion for Leave to Take the Deposition of Graeme Fraser-Bell in the United Kingdom Pursuant to 16 C.F.R. § 3.36 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

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 ***Motion for Leave to Take the Deposition of Graeme Fraser-Bell in the United Kingdom Pursuant to 16 C.F.R. § 3.36 and Proposed Order*** upon:

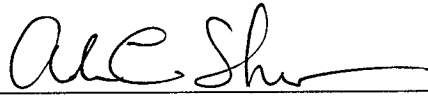
The Honorable D. Michael Chappell
Administrative Law Judge
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Washington, DC 20580
oalj@ftc.gov

I hereby certify that on January 14, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing ***Motion for Leave to Take the Deposition of Graeme Fraser-Bell in the United Kingdom Pursuant to 16 C.F.R. § 3.36 and Proposed Order*** upon:

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