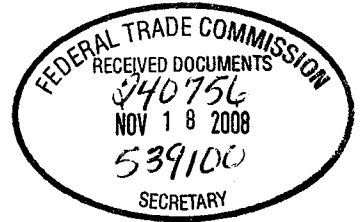


ORIGINAL



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of )  
)  
)

POLYPORE INTERNATIONAL, INC., )  
Respondent. )  
)  
)

Docket No. 9327

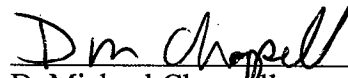
**ORDER ON NON-PARTY ENTEK'S MOTION FOR A PROTECTIVE ORDER**

On November 6, 2008, non-party ENTEK International LLC ("ENTEK") filed a motion for a protective order. ENTEK's motion seeks an order directing the Commission to withhold production of documents that ENTEK had previously produced to the Federal Trade Commission, in compliance with a Civil Investigative Demand, pending implementation of certain procedures designed to protect from disclosure ENTEK's highly confidential documents.

On November 17, 2008, ENTEK filed a Stipulation and Proposed Order Regarding Discovery Related to ENTEK. The Stipulation, signed by ENTEK, Respondent Polypore International, Inc. ("Respondent"), and Complaint Counsel sets forth the agreement reached between Respondent and ENTEK. The Stipulation includes an acknowledgment by Complaint Counsel that it has received notice of the recitals and stipulations and that Complaint Counsel has no objection to any of its terms.

ENTEK's motion for a protective order is DENIED as moot. The Stipulation agreed to by the parties is hereby entered as attached.

ORDERED:

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

Date: November 18, 2008

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

**In the Matter of**

**Polypore International, Inc.**  
**a corporation.**

**CASE NO. 9327**

**PUBLIC DOCUMENT**

**STIPULATION AND [PROPOSED] ORDER REGARDING DISCOVERY**  
**RELATED TO ENTEK INTERNATIONAL LLC**

WHEREAS, the Federal Trade Commission (“Commission”) provided notice, dated October 27, 2008, that it intended to produce all of ENTEK International LLC’s (“ENTEK”) documents produced pursuant to the Civil Investigative Demand and Subpoena Duces Tecum issued by the Commission (“CID”), dated April 10, 2008, to Polypore International, Inc. (“Polypore”);

WHEREAS, ENTEK filed its Motion for Protective Order Pursuant to 15 U.S.C. §§ 15 U.S.C. §§46(f), 57b-2(d)(1)(C) and 57b-2(d)(2), and 16 C.F.R. §4.10 (“Motion for Protective Order”), seeking an order directing the Commission to withhold production of ENTEK’s documents pending implementation of certain procedures designed to protect from disclosure ENTEK’s highly confidential information;

WHEREAS, on November 6, 2008, subsequent to the filing of ENTEK’s Motion for Protective Order, Polypore served a Subpoena Duces Tecum on ENTEK seeking the production of documents responsive to forty (40) specifications, including the documents which are the subject of ENTEK’s Motion for Protective Order, on or by November 24, 2008 (“Polypore Subpoena”); and

WHEREAS, to enhance efficiency and, thereby, to conserve private and administrative agency resources, counsel for Polypore and ENTEK have agreed to enter into this stipulation and order ("Stipulation and Order") to attempt in good faith to resolve all discovery issues and disputes that have arisen between them in the above matter;

IT IS HEREBY STIPULATED, by and between counsel for Polypore and counsel for ENTEK:

1. Polypore hereby agrees and consents to stay indefinitely its demand that the Commission produce ENTEK documents in the Commission's possession as a result of the CID; provided, however, that nothing in this Stipulation and Order shall be deemed a waiver of any right of Polypore, including its right to seek production of such discovery from ENTEK through the Polypore Subpoena or through reinstatement of such demand on the Commission in the event the Parties hereto are unable to resolve any discovery issues and disputes raised in connection with the Polypore Subpoena; it being further understood and agreed that if Polypore reinstates its demand on the Commission to produce ENTEK documents in its possession as a result of the CID, with same day email copy to the undersigned counsel for ENTEK, Polypore shall have five (5) business days from written reinstatement of its demand to the Commission to file and serve any opposition or response to ENTEK's Motion for Protective Order;

2. ENTEK hereby agrees and consents to withdraw its Motion for Protective Order, pursuant to the terms of this Stipulation and Order; provided, however, that nothing in this Stipulation and Order shall be deemed a waiver of any right of ENTEK, including its right to seek relief in the context of any subsequent motion to quash or for protective order with respect to the Polypore Subpoena, and/or to seek such relief through the Motion for Protective Order, which shall be deemed reinstated without requiring any further action on ENTEK's part in the event Polypore shall renew or reinstate, at any time after the effective date of this Stipulation and


Order, its demand that the Commission produce ENTEK documents in its possession as a result of the CID;

3. Polypore agrees to continue the date and time for the filing of any motion seeking to quash or limit the Polypore Subpoena until five (5) business days after the parties determine in good faith that they will not be able to resolve all discovery issues and disputes raised in connection with the Polypore Subpoena;

4. ENTEK agrees to limit any motion seeking to quash or limit the Polypore Subpoena solely to those issues that remain unresolved between the Parties and to produce to Polypore in a timely manner documents as to which no objection remains unresolved.

By executing this Stipulation and Order, Complaint Counsel acknowledges that it has received notice of the recitals and stipulations set forth herein and confirms that it has no objection to any of its terms and that it shall refrain from producing to Polypore ENTEK documents produced to it pursuant to the CID until such time as it is directed to do so by order of the tribunal or by direction of both Parties hereto.

Dated: November 17, 2008

By 

Eric. D. Welsh

PARKER POE ADAMS & BERNSTEIN,  
LLP

Three Wachovia Center  
401 South Tryon Street, Suite 3000  
Charlotte, NC 28202

Telephone: (704) 372-9000

Facsimile: (704) 335-9689

ericwelsh@parkerpoe.com

*Attorneys for Respondent*

Dated: November 17, 2008

By Darius Ogloza /swn  
Darius Ogloza

LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, California 94111-6538  
Telephone: +1.415.391.0600  
Facsimile: +1.415.395.8095  
hanno.kaiser@lw.com\*  
darius.ogloza@lw.com  
\* Admitted in New York only.  
Not admitted in California.

Attorneys for ENTEK International LLC

Dated: November 17, 2008

By  86

J. Robert Robertson  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
rrobertson@ftc.gov

*Complaint Counsel*

**IT IS SO ORDERED.**



D. Michael Chappell  
Administrative Law Judge