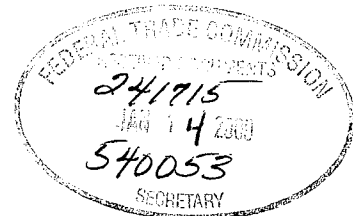


ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Polypore International, Inc.)
a corporation.)

Docket No. 9327

PUBLIC

**JOINT MOTION OF RESPONDENT AND ENERSYS FOR LEAVE OF COURT TO
CONDUCT DEPOSITIONS OF ENERSYS AND ENERSYS EMPLOYEES
AFTER THE DISCOVERY DEADLINE**

Respondent Polypore International, Inc. ("Respondent") and EnerSys respectfully jointly move this Court for an Order allowing Respondent to depose EnerSys, Larry Axt, Larry Burkert, John Gagge and John Craig after the discovery deadline of February 13, 2009.

In support thereof, Respondent and EnerSys respectfully refer the Court to, and incorporate by reference herein, the contemporaneously-filed memorandum.

Dated: January 14, 2009

PARKER POE ADAMS & BERNSTEIN

By Eric Welsh / NCS (by permission)
Eric D. Welsh, Esquire
Three Wachovia Center
401 S. Tryon Street, Suite 3000
Charlotte, NC 28202
(704) 335-9052
ericwelsh@parkerpoe.com

Dated: January 14, 2009

STEVENS & LEE, P.C.

By Neil C. Schur
Neil C. Schur
Eugene V. Lipkowitz
1818 Market Street, 29th Floor
Philadelphia, Pennsylvania 19103
(215) 751-1944
ncsc@stevenslee.com
evl@stevenslee.com

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2009, I filed via overnight courier and electronic mail an original and two copies of the foregoing Joint Motion of Respondent and EnerSys for Leave of Court to Conduct Depositions of EnerSys and EnerSys Employees After the Discovery Deadline, supporting Memorandum and proposed Order 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 delivered via overnight courier and electronic mail two copies of the foregoing Joint Motion of Respondent and EnerSys for Leave of Court to Conduct Depositions of EnerSys and EnerSys Employees After the Discovery Deadline, supporting Memorandum and proposed Order to:

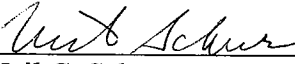
The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
oalj@ftc.gov

I hereby certify that on January 14, 2009, I served via overnight courier and electronic mail a copy of the foregoing Joint Motion of Respondent and EnerSys for Leave of Court to Conduct Depositions of EnerSys and EnerSys Employees After the Discovery Deadline, supporting Memorandum and proposed Order on:

Eric D. Welsh, Esquire
Parker Poe Adams & Bernstein, LLP
Three Wachovia Center
401 S. Tryon Street, Suite 3000
Charlotte, NC 28202
ericwelsh@parkerpoe.com

Steven A. Dahm, Esquire
Federal Trade Commission
Bureau of Competition, Mergers II Division
601 New Jersey Avenue, NW
Washington, D.C. 20001
sdahm@ftc.gov

Date: January 14, 2009



Neil C. Schur

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

In the Matter of

Polypore International, Inc.
a corporation.

)
)
) **Docket No. 9327**
)
)
)

ORDER

AND NOW, this ____ day of January, 2009, upon consideration of the Joint Motion of Respondent and EnerSys for Leave of Court to Conduct Depositions of EnerSys and EnerSys Employees After the Discovery Deadline, it is hereby ordered that the motion is GRANTED.

It is hereby ORDERED that Respondent may take the depositions of EnerSys and Larry Axt, Larry Burkert, John Gagge and John Craig after an order has been entered on EnerSys' pending motion for award of attorneys' fees and to limit the subpoena duces tecum served on EnerSys, and after EnerSys has produced any documents required to be produced pursuant to such order, even if such order should be entered after the discovery cut-off currently scheduled for February 13, 2009. Within fourteen (14) days of the receipt by Respondent's counsel of the complete document production by EnerSys, Respondent shall use its best efforts to depose the EnerSys witnesses, and EnerSys shall use its best efforts to make its witnesses available to be deposed during that same time period.

ENTER:

Administrative Law Judge D. Michael Chappell

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

In the Matter of

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

)
)
) **Docket No. 9327**
)
)
)

**MEMORANDUM IN SUPPORT OF
JOINT MOTION OF RESPONDENT AND ENERSYS FOR LEAVE OF COURT TO
CONDUCT DEPOSITIONS OF ENERSYS AND ENERSYS EMPLOYEES
AFTER THE DISCOVERY DEADLINE**

Respondent Polypore International, Inc. (“Respondent”) and EnerSys (collectively, “Movants”) respectfully submit this memorandum in support of their joint motion for leave of Court to allow Respondent to depose EnerSys and Larry Axt, Larry Burkert, John Gage and John Craig (“EnerSys Employees”) after the discovery deadline of February 13, 2009.

As set forth below, Movants respectfully submit that such an Order effects a fair compromise of Movants’ respective interests and will not result in any undue delay of the trial of this matter.

FACTUAL BACKGROUND

On October 22, 2008, the Court issued a Scheduling Order, scheduling the Close of Discovery for February 13, 2009.

Respondent’s counsel represents that on or about November 6, 2008, Respondent served by certified mail a subpoena duces tecum on EnerSys, requesting the production of documents in connection with this matter on November 25, 2008 (the “Document Subpoena”).

On November 7, 2008, EnerSys' counsel received the Document Subpoena from counsel for the F.T.C.¹

On November 14, 2008, EnerSys filed with the Secretary of the Federal Trade Commission a Motion to Extend Time in Which to Move to Limit Subpoena Served by Respondent Upon Third Party and to Seek Cost Reimbursement. On November 17, 2008, the Court granted that motion and allowed EnerSys to file such a motion by December 16, 2008.

On December 16, 2008, after counsel for Respondent and EnerSys had conferred regarding the Document Subpoena, EnerSys moved this Court for an award of attorneys' fees or to limit the Document Subpoena. On December 24, 2008, Respondent filed its opposition to EnerSys' motion for attorneys' fees or to limit. EnerSys' motion for attorneys' fees and to limit is pending before the Court.

Respondent's counsel represents that on or about December 29, 2008, Respondent served by certified mail its subpoenas ad testificandum directed to EnerSys and the EnerSys Employees. On January 2, 2009, EnerSys accepted service of Respondent's subpoenas ad testificandum directed to EnerSys and the EnerSys Employees (the "Deposition Subpoenas"), but reserved all rights to object. *See* Exhibit 1. Specifically, Respondent subpoenaed four EnerSys witnesses and a corporate designee of EnerSys with regard to 15 topics. *See* Exhibit 1. Respondent's subpoenas scheduled depositions in Philadelphia, Pennsylvania on January 26-28, 2009. *See* Exhibit 1.

On January 7, 2009, counsel for Respondent emailed counsel for EnerSys:

I have not heard from you on the depositions since I forwarded the subpoenas to you. I need to confirm the depositions with you. We are under a tight schedule and intend to proceed with the

¹ On November 17, 2008, EnerSys received and signed for the Document Subpoena, which it had previously received from counsel for the F.T.C.

depositions as noticed. We will leave the depositions open due to EnerSys' failure to produce documents to us and will seek our costs in relation to resuming those depositions.

Exhibit 2.

Later that day, counsel conferred by telephone. Counsel for EnerSys stated that:

- Given the pendency of the motion regarding the document subpoena, Respondent was unlikely to have an opportunity to review EnerSys' documents by the dates of the depositions.
- That EnerSys had not begun a review of its documents due to the pendency of its motion for attorneys' fees and to limit the Subpoena (which sought – as one option – an order compelling a procedure whereby Respondent reviews the documents prior to EnerSys' review).
- Conducting two rounds of depositions (before and after the document production) would impose an undue burden on EnerSys and be costly and inefficient for EnerSys, Respondent and the F.T.C.
- EnerSys would not agree to produce its witnesses twice unless the Court ordered it to do so.
- Respondent would not be entitled to recover costs from EnerSys in any event, as EnerSys had filed a valid and timely motion and was not noncompliant with any of its obligations under either the document subpoena or FTC Practice Rules.
- One witness, EnerSys' Chief Executive Officer John Craig, was scheduled to be in Hawaii on business the week of the noticed depositions, has prepaid airline tickets, and was therefore unavailable at that time.
- The wife of EnerSys' lead counsel, Neil Schur, is pregnant with a due date of January 28, 2009. Given Mr. Schur's familiarity with the facts of this matter, EnerSys has requested that the depositions be scheduled so that he may prepare witnesses and defend them at the depositions and so that EnerSys may avoid prejudice.
- EnerSys requested that the depositions be held in Reading, Pennsylvania, rather than Philadelphia, to reduce the burden on EnerSys and the hotel costs of Respondent and the F.T.C. EnerSys' counsel offered to host the depositions or appear for same at a neutral location (law office, court reporter's office or hotel conference room) in Reading. Doing so would require two lawyers to travel to Reading, rather than requiring four witnesses to travel to Philadelphia.

Counsel for Respondent replied that it appreciated these concerns, disagreed with EnerSys' position on Respondent's right to leave the depositions open until EnerSys produced its documents pursuant to the Subpoena, and needed to complete discovery by February 13, 2009. Counsel for Respondent explained that without relief from this Court, under the current schedule, Respondent has no alternative but to proceed with the EnerSys and EnerSys Employees depositions and attempt to leave them open to permit further examination once EnerSys has produced its documents as requested by the Document Subpoena. Counsel for Respondent agreed to hold the depositions in Reading, Pennsylvania. Counsel also discussed a possible joint motion for leave of Court to conduct depositions of EnerSys and its employees after the discovery deadline, in view of the delay caused by the dispute regarding the EnerSys documents.

Following further efforts to meet and confer, Respondent and EnerSys respectfully submit this Joint Motion.

ARGUMENT

Pertinent Legal Authority

F.T.C. Practice Rule 3.21(c)(2) expressly provides: "The Administrative Law Judge may grant a motion to extend any deadline or time specified in this scheduling order only upon a showing of good cause." 16 C.F.R. § 3.31(c)(2) (2008).

F.T.C. Practice Rule 3.31(d)(1) expressly provides that the "Administrative Law Judge may deny discovery or make any order which justice requires to protect a party or other person from annoyance, embarrassment, oppression, or undue burden or expense, or to prevent undue delay in the proceeding." 16 C.F.R. § 3.31(d)(1) (2008).

**The Court Should Give Respondent Leave
to Depose EnerSys After the Discovery Deadline**

Given the circumstances set forth above, Movants respectfully submit that the Court should give Respondent leave to depose EnerSys employees and designees after the fact discovery deadline of February 13, 2009.

Because EnerSys' motion regarding documents and attorneys' fees is pending, it is unclear when EnerSys' document production will be complete. Proceeding with depositions prior to EnerSys' production of documents will result in inefficiencies and unnecessary cost, expense and burden on EnerSys, Respondent and the F.T.C. It will also likely lead to motions practice before this Court regarding the right of Respondent to leave the depositions open and resume them following the document production, and to seek costs from EnerSys.

Movants respectfully submit that it makes more sense to wait until the Court has ruled on the pending motion regarding the documents and attorneys' fees, the documents have been produced, and Respondent has had an opportunity to review them before conducting the depositions of EnerSys and the EnerSys Employees. Movants respectfully propose that following that review, Respondent would use its best efforts to depose the EnerSys witnesses within fourteen (14) days of the receipt by Respondent's counsel of the complete document production by EnerSys, and EnerSys would use its best efforts to make its witnesses available to be deposed during that same time period. Movants further propose that Respondent would depose each witness *one time only* for a maximum of seven hours each, in Reading, Pennsylvania.

Doing so also allows the depositions to be scheduled at a time when EnerSys' Chief Executive Officer, Mr. Craig, is likely to be available and likewise permits EnerSys to be

represented by its lead counsel, Neil Schur, at the depositions, without interfering with his personal need to attend to his wife and baby following the imminent delivery of their child.

With regard to the scope of the extension, Movants respectfully request that the Court enter an Order in the form submitted herewith, granting the present motion and ordering that the depositions of EnerSys and the EnerSys Employees occur after an order has been entered on EnerSys' pending motion regarding documents and attorneys' fees, and after EnerSys has produced any documents required to be produced pursuant to such order, even if such order should be entered after the discovery cut-off currently scheduled for February 13, 2009. Respondent will use its best efforts to complete all depositions of EnerSys and EnerSys employees within fourteen (14) days of the receipt by Respondent's counsel of the complete document production by EnerSys, and EnerSys will use its best efforts to make its witnesses available to be deposed during that same time period.

CONCLUSION

For all the foregoing reasons, Respondent and EnerSys respectfully submit that the Court should grant Respondent leave to conduct depositions of EnerSys and the EnerSys

Employees after the February 13, 2009 discovery deadline and enter an Order in the form submitted herewith.

Dated: January 14, 2009

PARKER POE ADAMS & BERNSTEIN LLP

By Eric Welsh / NCS (by permission)
Eric D. Welsh, Esquire
Three Wachovia Center
401 S. Tryon Street, Suite 3000
(704) 335-9052
Charlotte, NC 28202
ericwelsh@parkerpoe.com

Dated: January 14, 2009

STEVENS & LEE, P.C.

By Neil C. Schur
Neil C. Schur
Eugene V. Lipkowitz
1818 Market Street, 29th Floor
Philadelphia, Pennsylvania 19103
(215) 751-1944
ncsc@stevenslee.com
evl@stevenslee.com

TAB

2



SUBPOENA AD TESTIFICANDUM

Issued Pursuant to Rule 3.34(a)(1), 16 C.F.R. § 3.34(a)(1) (1997)

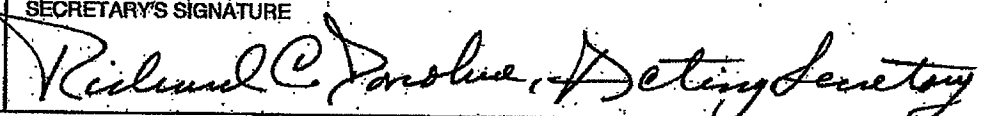
1. TO Mr. John D. Craig President and Chief Executive Officer EnerSys 2366 Bernville Road Reading, PA 19605	2. FROM UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
---	--

This subpoena requires you to appear and give testimony, at the date and time specified in Item 5, at the request of Counsel listed in Item 8, in the proceeding described in Item 6.

3. PLACE OF HEARING Conrad O'Brien Gellman & Rohn, P.C. 1515 Market Street, 16th Floor Philadelphia, PA 19102-1916 Phone: 215-864-8091	4. YOUR APPEARANCE WILL BE BEFORE Counsel for Respondent and a person authorize by law to administer oaths. 5. DATE AND TIME OF HEARING OR DEPOSITION 1/28/09 at 1:00 PM
---	--

6. SUBJECT OF PROCEEDING In the Matter of Polypore International, Inc., Docket No. 9327

7. ADMINISTRATIVE LAW JUDGE The Honorable D. Michael Chappell Federal Trade Commission Washington, D.C. 20580	8. COUNSEL REQUESTING SUBPOENA Eric D. Welsh Three Wachovia Center Suite 300 401 South Tryon Street Charlotte, NC 28202-1935
---	--

DATE ISSUED December 10, 2008	SECRETARY'S SIGNATURE 
---	--

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 8, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 8 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 8.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Docket No. 9327

Polypore International, Inc.,)
a corporation.)

PUBLIC DOCUMENT

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2008, I caused to be served the foregoing Subpoena Ad Testificandum via Certified Mail Return Receipt Requested upon:

Mr. John D. Craig
President and Chief Executive Officer
EnerSys
2366 Bernville Road
Reading, PA 19605

I hereby certify that on December 29, 2008, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing Subpoena Ad Testificandum 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 December 29, 2008, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Subpoena Ad Testificandum* upon:

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

Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sdahm@ftc.gov



Adam C. Shearer
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 335-9050
Facsimile: (704) 334-4706

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Polypore International, Inc.,)
a corporation.)

Docket No. 9327


PUBLIC DOCUMENT

NOTICE OF DEPOSITION OF JOHN CRAIG

PLEASE TAKE NOTICE that pursuant to Rules 3.33 and 3.34 of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings (16 C.F.R. §§ 3.33 and 3.34), Respondent Polypore International, Inc. ("Polypore"), will take the deposition of John Craig before a person authorized by law to administer oaths at the offices of Conrad O'Brien Gellman & Rohn, P.C., 1515 Market Street, 16th Floor, Philadelphia, PA 19102 on January 28, 2009 at 1:00 p.m. The testimony will be recorded by stenographic and/or video means.

Dated: December 29, 2008

Respectfully Submitted,



William L. Rikard, Jr.

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

williamrikard@parkerpoe.com

ericwelsh@parkerpoe.com

Attorneys for Respondent

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

Docket No. 9327
PUBLIC DOCUMENT

CERTIFICATE OF SERVICE


I hereby certify that on December 29, 2008, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing Notice of Deposition of John Craig 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 December 29, 2008, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing Notice of Deposition of John Craig upon:

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

Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sdahm@ftc.gov


Adam C. Shearer
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 335-9050



SUBPOENA AD TESTIFICANDUM
 Issued Pursuant to Rule 3.34(a)(1), 16 C.F.R. § 3.34(a)(1) (1997)

1. TO
 Mr. Larry Burkert
 EnerSys
 2366 Bernville Road
 Reading, PA 19605

2. FROM

 UNITED STATES OF AMERICA
 FEDERAL TRADE COMMISSION

This subpoena requires you to appear and give testimony, at the date and time specified in Item 5, at the request of Counsel listed in Item 8, in the proceeding described in Item 6.

3. PLACE OF HEARING
 Conrad O'Brien Gellman & Rohn, P.C.
 1515 Market Street, 16th Floor
 Philadelphia, PA 19102-1916
 Phone: 215-864-8091

4. YOUR APPEARANCE WILL BE BEFORE
 Counsel for Respondent and a person authorized
 by law to administer oaths.

5. DATE AND TIME OF HEARING OR DEPOSITION
 1/27/09 at 1:00 PM

6. SUBJECT OF PROCEEDING

 In the Matter of Polypore International, Inc., Docket No. 9327

7. ADMINISTRATIVE LAW JUDGE

 The Honorable D. Michael Chappell

 Federal Trade Commission
 Washington, D.C. 20580

8. COUNSEL REQUESTING SUBPOENA

 Eric D. Welsh
 Three Wachovia Center
 Suite 300
 401 South Tryon Street
 Charlotte, NC 28202-1935

DATE ISSUED
 December 10, 2008

SECRETARY'S SIGNATURE

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 8, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 8 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 8.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Docket No. 9327

Polypore International, Inc.,)
a corporation.)

PUBLIC DOCUMENT

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2008, I caused to be served the foregoing Subpoena Ad Testificandum via Certified Mail Return Receipt Requested upon:

Mr. Larry Burkert
EnerSys
2366 Bernville Road
Reading, PA 19605

I hereby certify that on December 29, 2008, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing Subpoena Ad Testificandum 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 December 29, 2008, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Subpoena Ad Testificandum* upon:

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

Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sdahm@ftc.gov



Adam C. Shearer
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 335-9050
Facsimile: (704) 334-4706

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Polypore International, Inc.,)
a corporation.)

) Docket No. 9327

) PUBLIC DOCUMENT

NOTICE OF DEPOSITION OF LARRY BURKHERT

PLEASE TAKE NOTICE that pursuant to Rules 3.33 and 3.34 of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings (16 C.F.R. §§ 3.33 and 3.34), Respondent Polypore International, Inc. ("Polypore"), will take the deposition of Larry Burkert before a person authorized by law to administer oaths at the offices of Conrad O'Brien Gellman & Rohn, P.C., 1515 Market Street, 16th Floor, Philadelphia, PA 19102 on January 27, 2009 at 1:00 p.m. The testimony will be recorded by stenographic and/or video means.

Dated: December 29, 2008

Respectfully Submitted,



William L. Rikard, Jr.

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

williamrikard@parkerpoe.com

ericwelsh@parkerpoe.com

Attorneys for Respondent

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

Docket No. 9327
PUBLIC DOCUMENT

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2008, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing Notice of Deposition of Larry Burkert 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 December 29, 2008, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing Notice of Deposition of Larry Burkert upon:

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

Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sdahm@ftc.gov



Adam C. Shearer
Parker Poë Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 335-9050



SUBPOENA AD TESTIFICANDUM

Issued Pursuant to Rule 3.34(a)(1), 16 C.F.R. § 3.34(a)(1) (1997)

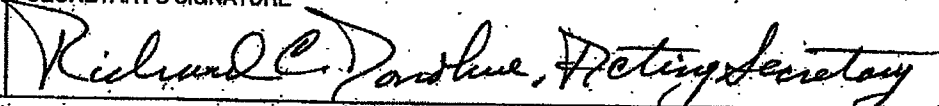
1. TO Mr. Larry Axt EnerSys 2366 Bernville Road Reading, PA 19605	2. FROM UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
--	--

This subpoena requires you to appear and give testimony, at the date and time specified in Item 5, at the request of Counsel listed in Item 8, in the proceeding described in Item 6.

3. PLACE OF HEARING Conrad O'Brien Gellman & Rohn, P.C. 1515 Market Street, 16th Floor Philadelphia, PA 19102-1916 Phone: 215-864-8091	4. YOUR APPEARANCE WILL BE BEFORE Counsel for Respondent and a person authorized by law to administer oaths. 5. DATE AND TIME OF HEARING OR DEPOSITION 1/27/09 at 9:00 A.M.
---	--

6. SUBJECT OF PROCEEDING In the Matter of Polypore International, Inc., Docket No. 9327

7. ADMINISTRATIVE LAW JUDGE The Honorable D. Michael Chappell Federal Trade Commission Washington, D.C. 20580	8. COUNSEL REQUESTING SUBPOENA Eric D. Welsh Three Wachovia Center Suite 300 401 South Tryon Street Charlotte, NC 28202-1935
---	--

DATE ISSUED December 10, 2008	SECRETARY'S SIGNATURE 
---	--

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 8, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 8 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 8.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

RETURN OF SERVICE

*I hereby certify that a duplicate original of the within
subpoena was duly served: (check the method used)*

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

Polypore International, Inc.,)
a corporation.)

Docket No. 9327

PUBLIC DOCUMENT

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2008, I caused to be served the foregoing Subpoena Ad Testificandum via Certified Mail Return Receipt Requested upon:

Mr. Larry Axt
EnerSys
2366 Bernville Road
Reading, PA 19605

I hereby certify that on December 29, 2008, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing Subpoena Ad Testificandum 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 December 29, 2008, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Subpoena Ad Testificandum* upon:

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

Steven Dahm, Esq.
Federal Trade Commission
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