

ORIGINAL



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of	)	
	)	
	)	Docket No. 9327
Polypore International, Inc.	)	
a corporation.	)	PUBLIC VERSION
	)	

**RESPONSE TO RESPONDENT’S MOTION TO  
AMEND THE SCHEDULING ORDER**

Respondent seeks to delay the hearing date in this matter by 30 days, from April 14, 2009, to May 14, 2009. Complaint Counsel respectfully opposes a delay of trial. Complaint Counsel’s offer to agree to an extension of discovery deadlines with respect to outstanding third party subpoena responses, including allowing supplemental expert reports, is sufficient to address Respondent’s concerns without delaying the trial. Any delay will harm consumers and is not warranted in view of the fact that (1) the Court already ruled on this same issue last year when Respondent sought to move the trial date to May 18, 2009; (2) Complaint Counsel has responded to discovery demands and deadlines expeditiously; (3) Parker Poe is not new counsel at all; (4) Respondent has created the discovery issues that it now seeks additional time to resolve.

**The Court has Already Spoken on the Hearing Date**

On October 1<sup>st</sup>, 2008, citing concerns that it would be difficult to conduct discovery prior to the December 9, 2008 trial date set by the Commission, Respondent requested that the hearing date be extended to May 18, 2009. The Court granted Respondent’s Motion in part and denied it in part, and set the trial date to April 14, 2009. In its Order, the Court cited the requirement under Rule 3.51 that an initial decision be filed within one year of the issuance of the complaint.

Notwithstanding the Court's order that the trial begin on April 14, 2008, Respondent requests that the trial be delayed until May 14<sup>th</sup> so that it can complete its discovery and prepare for trial. Complaint Counsel believes that Respondent has only itself to blame as it has failed to adjust its discovery efforts to meet the April 14 trial date. Moreover, Complaint Counsel has offered to work with Respondent so that it could complete its discovery without changing the trial date but Respondent has rebuffed our offer.

Respondent points to the delay by third parties in responding to its discovery requests as the primary reason for seeking a later trial date. Complaint Counsel has consistently offered to be flexible on discovery deadlines, on a case-by-case basis, so that Respondent will not be prejudiced by late third party subpoena responses. Complaint counsel even suggested that the parties supplement their expert reports with respect to information received in third party documents, and depositions that occur, after the February 13, 2009 discovery cutoff deadline.<sup>1</sup> Respondent refused Complaint Counsel's offer to allow expert reports to be supplemented. Respondent's refusal of Complaint Counsel's offer to be flexible on such discovery deadlines should not redound to the detriment of consumers or rush a Court decision.

Complaint Counsel stands by its position that discovery deadlines can be extended for both Respondent and Complaint Counsel to encompass the late document productions from third parties to whom Respondent has issued discovery requests, including depositions, designation of documents, and supplements to expert reports, if necessary. No other deadlines need to be moved.

---

<sup>1</sup>Scheduling Order dated October 22, 2008. Although the Scheduling Order has set February 13 as close of Discovery, Respondent and Complaint Counsel have already agreed to schedule a few depositions after February 13.

### Delay Harms Consumers

This is a consummated merger. As a result of the acquisition of Microporous, Respondent has a *monopoly* in the markets for deep-cycle separators and motive power separators. The acquisition halted Microporous' entry into a third market for UPS separators that would have upset Respondent's monopoly in that market. The acquisition also halted Microporous' ongoing expansion in a fourth market for automotive battery separators, disrupting a duopoly shared by Respondent and Entek.

Customers are already feeling the impact of the merger in double digit price increases that have been announced by Respondent. Since the acquisition, Respondent has sought price increases as high as 18%. See October 28, 2008, Daramic Press Release at [http://www.daramic.com/news/daramic\\_news\\_detail.cfm?news\\_id=21](http://www.daramic.com/news/daramic_news_detail.cfm?news_id=21);

Customers have no viable competitive constraints, and have complained that its acquisition of Microporous has given Respondent monopoly power and that Respondent is exercising that power in seeking price increases.

The purpose of Section 7 of the Clayton Act is to stop mergers that may tend to lead to monopoly. 15 U.S.C. §18 (2000). When such mergers do lead to monopolies they are illegal. *Id.*

During the pendency of this action, Respondent has continued to disperse former Microporous assets and former Microporous personnel continue to be lost.

Commission staff

requested that Respondent cease the integration of the newly acquired Microporous into Respondent and to hold Microporous as a separate competing entity as early as after the acquisition was consummated.

Respondent refused to grant the request. Had Respondent agreed to hold Microporous separate, consumers would have been protected during the pendency of this litigation.

Every day of delay allows Respondent to reap additional monopoly profits, which harms consumers, and further complicates the process of achieving effective relief.

**Complaint Counsel has Moved Expeditiously**

Complaint Counsel has moved expeditiously in pursuing this matter. Complaint Counsel served its document request on Respondent on October 22, 2008. Complaint Counsel then provided all of the third party documents that it had received in its Part 2 investigation, within a month of the commencement of Discovery.<sup>2</sup> The majority of the third party documents received by Complaint Counsel in its investigation were produced on November 7, 2008, including all of the documents in its possession from

, five of the eight companies from whom Respondent asserts it needs information. *See* Respondent's Memorandum in Support of Motion to Amend the Scheduling Order at ¶22.

---

<sup>2</sup>Complaint Counsel has not produced Entek documents to Respondent pursuant to the Court's Order of November 18, 2008, entering a stipulation entered into between Polypore and Entek.

Complaint Counsel then reprocessed those documents at Respondent's request, in a different format to facilitate Respondent's review.<sup>3</sup> Respondent's attempt to characterize this reproduction of the same material as "sporadic" is thus misleading at best. Complaint Counsel has bent over backwards to ensure that Respondent would be able to meet its deadlines for an April 14 trial date.

Subsequent productions of third party documents to Respondent have been within five days of receiving documents, unless the party producing the documents had not yet been notified of the protective order, in which case documents were produced ten days after they had received a copy of the order.

#### **Parker Poe is Not New Counsel**

Respondent states that a delay in the trial is warranted because its counsel was "not involved in the development of positions in response to the FTC inquiry," implying that its current counsel was recently obtained.<sup>4</sup> This is simply not true. More importantly, counsel raised this same issue last year in its previous motion to extend the trial date. It is past time for counsel to get engaged and prepare for trial.

Respondent's counsel, Parker Poe, and Michael Shor, have been on this case for at least nine months – three months longer than the lead Complaint Counsel for the FTC. During its Part 2 investigation, the Commission

---

<sup>3</sup>Complaint Counsel's Initial Disclosures included copies of the materials as submitted to the FTC by third parties. By agreement between the parties, and at the public's expense, Complaint Counsel processed these documents and electronic submissions for Respondent to create litigation databases for each third party submission, including images, native files, all metadata, and load files for Respondent's litigation software with custom delimiters.

<sup>4</sup>In its motion Respondent states "immediately after its retention, Parker Poe. . . ." *Id.* at ¶5.

to Respondent. Parker Poe prepared the interrogatory responses, and appears to have been responsible for the document production. Back in June 2008, Parker Poe was responsible for drafting *all* of Respondent's interrogatory responses.<sup>5</sup> *See*

In a dozen letters dated as early as May 1, 2008, to Commission staff, Respondent represented that

during the course of the Commission's Part 2 investigation.

, Polypore identified its local counsel as Parker Poe. *Id.*

Commission Staff contacted counsel for Polypore to notify them of staff's

Thus Polypore has been on notice of the Commission's concerns for nearly a year. Respondent has had ample time to review its own documents, question its own witnesses, and prepare its defenses in this matter. If, in fact, Respondent has failed to review its documents and interview witnesses, Respondent's failure to prepare for litigation should not redound to the detriment of consumers.

Moreover, Respondent has had continuity of counsel throughout the Part 2 and Part 3 proceedings, even if Respondent has only recently appointed Parker Poe to be its trial counsel. First, Parker Poe was already involved in the Part 2 investigation. Second, Respondent's in-house counsel, Phillip Bryson, Esquire, was heavily involved throughout the Part 2 investigation, presented Respondent's arguments to FTC staff and Commissioners,

Respondent's business people. Third, Respondent represented to FTC staff that it had retained counsel, Michael Shor, specifically to deal with this matter. Mr.

---

<sup>5</sup>Respondent's assertion that it was only responsible for 8 CID responses is misleading. There were only 8 CID questions.

Shor was in charge of \_\_\_\_\_ in the Part 2 proceedings. Mr. Shor \_\_\_\_\_ as well. Even if Parker Poe's involvement in the Part 2 investigation was not sufficient to prepare Respondent for trial, Mr. Bryson's and Mr. Shor's hands-on involvement in preparing and presenting Respondent's case to the FTC during the Part 2 investigation is sufficient to prevent any delay as a result of appointing Parker Poe to be trial counsel.

Parker Poe was also Respondent's counsel in an arbitration that was terminated by the merger. While Respondent describes this arbitration as "unrelated," in fact it is directly related to an important aspect of the case. Respondent and Microporous were arbitrating a non-compete agreement that Respondent had invoked in an attempt to prevent Microporous from expanding into automotive separator production. Many of the facts that Parker Poe developed in the arbitration relate directly to competition between Microporous and Respondent and to Microporous' entry into the automotive separator market. Indeed, in an attempt to settle this arbitration, Respondent proposed that Microporous agree to stay out of the automotive market in exchange for Respondent's agreement to withdraw from the motive power market. [¶ 41 of Complaint]. Respondent's invitation to divide markets is itself a violation of Section 5 of the FTC Act. As Respondent notes in its motion, Parker Poe was involved in producing documents related to the arbitration from its own files during the FTC Part 2 investigation.

**Respondent Has Created the Discovery Issues  
That it Now Seeks Additional Time to Resolve**

This case is not complex. It is a straightforward application of the antitrust laws to a merger. The application of the antitrust laws to Respondent's anticompetitive conduct also follows established law. This trial should not be delayed so that Respondent can conduct

unnecessary third party and foreign discovery past the date scheduled for the close of Discovery.

Complaint Counsel has turned over third party documents in its possession to Respondent. Respondent already has many documents for several of the third parties to whom it has issued subpoenas. In addition, the subpoenas issued by Respondent to third parties are extremely broad and extensive. The subpoenas that Respondent has issued to third parties are significantly more extensive and document requests issued by Complaint Counsel to Respondent. The delay by third parties in responding to such broad subpoenas is due, in part, to Respondent failure to negotiate or narrow these subpoenas to get responsive documents in a timely manner.

Moreover, Respondent did not issue its subpoenas *duces tecum* to third parties until November, well after the start of Discovery. The Complaint was served on Respondent in this matter on September 15, 2008. Discovery commenced on October 22, 2008. Respondent was well aware of the need to conduct discovery quickly in this matter. In its Motion to Reschedule Hearing Date on October 1, 2008, Respondent had apparently already identified the firms from whom it intended to conduct discovery. *Id.* at pp. 6-7. Respondent also appears to have already done much of the trial preparation that it claims it must do prior to trial. According to Respondent's previous motion, it had already identified its witnesses, including fourteen (14) Corporate witnesses, long before discovery even began. *Id.* 6. The trial should not be delayed to accommodate Respondent's lax efforts to pursue needless discovery past the end of the Discovery cutoff.

Likewise, this trial need not be delayed to conduct needless discovery abroad. Respondent argues that a delay is necessary because it must be permitted to conduct discovery of witnesses in the United Kingdom, Taiwan and Korea. It is difficult to believe that alternative,

less time-consuming discovery with respect to these firms is not available in the United States. Signally, Respondent has not yet even identified a Korean witness to Complaint Counsel. A respondent cannot be permitted to delay trial merely by tracking down foreign firms at which it might conduct discovery and speculating that it would be difficult to conduct discovery with respect to them.

### Conclusion

Respondent issued its extensive and onerous discovery requests late, sat on its rights, and now seeks to use these tactics to delay the trial. Complaint Counsel has acted diligently to ensure that Respondent will have every opportunity to be prepared for trial, including offering to be flexible on discovery deadlines and permitting a supplement to expert reports that would include new information learned from documents and depositions received after the discovery deadlines in the scheduling order. Any delay of trial will redound to the detriment of lead-acid battery separator consumers in terms of monopoly prices and the continued disintegration of the former Microporous. Accordingly, Respondent's Motion should be denied. If the Court amends the schedule, it should only extended discovery deadlines for both Respondent and Complaint Counsel to encompass the late document productions from third parties to whom Respondent has issued discovery requests, including depositions, designation of documents, and supplements to expert reports, if necessary. No other deadlines need to be moved, and the trial date should not be changed.

Dated: January 30, 2009

Respectfully submitted,

A handwritten signature in cursive script that reads "J. Robert Robertson" followed by a stylized flourish.

J/Robert Robertson  
Complaint Counsel  
Bureau of Competition  
Federal Trade Commission  
600 Pennsylvania Ave, NW (H-374)  
Washington, DC 20580  
Telephone: (202) 326-2008  
Facsimile: (202) 326-2214

**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2009 I filed *via* hand and electronic mail delivery an original and two copies of the foregoing Response to Respondent's Motion to Amend the Scheduling Order (public version) with:

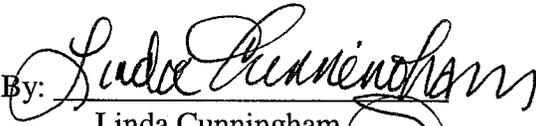
Donald S. Clark, Secretary  
Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Rm. H-135  
Washington, DC 20580

I hereby certify that on January 30, 2009, I served *via* electronic mail and mail delivery a copy of the foregoing Response to Respondent's Motion to Amend the Scheduling Order (public version) with:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, H-106  
Washington, DC 20580  
[oadj@ftc.gov](mailto:oadj@ftc.gov)

I hereby certify that on January 30, 2009, I served *via* electronic mail delivery and first class mail two copies of the foregoing Response to Respondent's Motion to Amend the Scheduling Order (public version) with:

William L. Rikard, Jr., Esq.  
Eric D. Welsh, Esq.  
Parker, Poe, Adams & Bernstein, LLP  
401 South Tryon Street, Suite 3000  
Charlotte, North Carolina 28202  
[williamrikard@parkerpoe.com](mailto:williamrikard@parkerpoe.com)  
[ericwelsh@parkerpoe.com](mailto:ericwelsh@parkerpoe.com)

By:   
Linda Cunningham  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Telephone: (202) 326-2638  
[lcunningham@ftc.gov](mailto:lcunningham@ftc.gov)

**DARAMIC**

October 20, 2008

**Daramic, LLC**  
The Gibson Building  
11430 North Community House Road  
Suite 350  
Charlotte, NC 28277  
Tel: (704) 587-8408  
Fax: (704) 587-8752  
[www.daramic.com](http://www.daramic.com)

CONFIDENTIAL

POLY0000321

ATTACHMENT A to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

We will be updating our price sheets and will send them to your attention. As soon as practical, I would appreciate the opportunity to meet with you to provide more detailed insight in the escalating cost situation and any other open commercial issues.

Should you have any questions, please give either Steve or myself a call.

Sincerely,



S. Tucker Roe  
Vice President Sales & Marketing

Cc: Harry Seibert- Daramic, LLC  
Steve McDonald-Daramic, LLC

A **POLYFONE** Company

CONFIDENTIAL

POLY0000322

ATTACHMENT A to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

**OBJECTIONS AND RESPONSES TO SPECIFIC INTERROGATORIES**

2. Identify each and every change in prices by Polypore to customers in North America in any relevant product since the transaction. For each such request to increase price state:

- a. the relevant product;
- b. the customer;
- c. the current price;
- d. the proposed change in price;
- e. the reason for the price change; and
- f. the amount of change in price achieved if any.

PPAB 1493718v7

5

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

6

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

7

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

8

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

9

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

10

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

12

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order



PPAB 1493718v7

13

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

14

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

PPAB 1493718v7

15

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order

]

PPAB 1493718v7

16

**Confidential Material**

ATTACHMENT B to  
Response to Respondent's  
Motion to Amend the Scheduling  
Order



**O'MELVENY & MYERS LLP**

BEIJING  
BRUSSELS  
CENTURY CITY  
HONG KONG  
LONDON  
LOS ANGELES  
NEW YORK

610 Newport Center Drive, 17th Floor  
Newport Beach, California 92660-6439

TELEPHONE (949) 760-9600  
FACSIMILE (949) 823-6994  
[www.omm.com](http://www.omm.com)

SAN FRANCISCO  
SHANGHAI  
SILICON VALLEY  
SINGAPORE  
TOKYO  
WASHINGTON, D.C.

December 19, 2008

**VIA FACSIMILE AND MAIL**

Mr. Pierre Hauswald  
VP General Manager  
Daramic, LLC  
The Gibson Building  
11430 North Community House Road  
Suite 350  
Charlotte, NC 28277

Dear Mr. Hauswald:

OUR FILE NUMBER  
874,920-999

WRITER'S DIRECT DIAL  
(949) 823-7926

WRITER'S E-MAIL ADDRESS  
[alaurendeau@omm.com](mailto:alaurendeau@omm.com)

ATTACHMENT C to  
Response to Respondent's  
Motion to Amend Scheduling  
Order



Sincerely,



Amy J. Laurendeau  
of O'MELVENY & MYERS LLP

AJL:le

cc: J. Robert Robertson, Esq. (via email)

NB1:7508

ATTACHMENT C to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

---

**From:**  
**Sent:** Friday, December 12, 2008 3:14 PM  
**To:** Roe, Tucker

This email message and any attachments transmitted with it may contain confidential information and are intended only for the individual(s) to whom the message is addressed. If you have received this email message in error, please notify the sender by reply email and delete it from your system; you should not distribute or copy this email message or its contents. Any views or opinions presented in this email message are solely those of the author and do not necessarily represent those of

No employee or agent is authorized to conclude any binding agreement on behalf of  
with another party by email. accepts no liability for the content of this email, or for the consequences of  
any actions taken on the basis of the information provided, unless that information is subsequently confirmed by  
signed writing. The recipient should check this email and any attachments for the presence of any virus. accepts no  
liability for any damage caused by any virus transmitted by this email message or any attachments.

2366 Bernville Road, Reading, PA 19605 [www.enersys.com](http://www.enersys.com)

1/12/2009

ATTAVHMENT D to  
Motion to Amend Scheduling  
Order

- 1
- 2
- 3
- 4
  
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

For The Record, Inc.  
(301) 870-8025 - [www.ftrinc.net](http://www.ftrinc.net) - (800) 921-5555

27d2167b-1305-4bbf-8ce8-48b4807e518a

ATTACHMENT E to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

**From:**

**Sent:** Monday, December 01, 2008 8:37 AM

**To:** Dahm, Steven A.

ATTACHMENT F to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

PPAB 1493718v7

22

**Confidential Material**

ATTACHMENT G to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

PPAB 1493718v7

23

**Confidential Material**

ATTACHMENT G to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

PPAB 1493718v7

24

**Confidential Material**

**ATTACHMENT G to  
Response to Respondent's  
Motion to Amend Scheduling  
Order**

PPAB 1493718v7

25

**Confidential Material**

ATTACHMENT G to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

PPAB 1493718v7

26

**Confidential Material**

ATTACHMENT G to  
Response to Respondent's  
Motion to Amend Scheduling  
Order



Bureau of Competition  
Mergers II Division

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

March 20, 2008

VIA FACSIMILE 202-637-5910

Joseph G. Krauss, Esq.  
Hogan & Hartson LLP  
555 Thirteenth Street, N.W.  
Washington, DC 20004

ATTACHMENT I to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Joseph G. Krauss, Esq.  
March 20, 2008

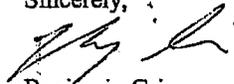
Page 2

ATTACHMENT I to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Joseph G. Krauss, Esq.  
March 20, 2008

Page 3

Sincerely,



Benjamin Gris  
Attorney  
601 New Jersey Avenue N.W. (NJ-6133)  
Washington, D.C. 20001  
e-mail [bgris@ftc.gov](mailto:bgris@ftc.gov)  
facsimile 202-326-2071

ATTACHMENT I to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

HOGAN &  
HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

June 5, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Response to the Civil Investigative Demand Issued By  
the Federal Trade Commission, FTC File No. 0810131**

Dear Steve:

This response was prepared by Polypore's local counsel, Parker Poe Adams & Bernstein LLP, with assistance from Polypore's in-house legal department, various business people at Polypore, Daramic, and Microporous, and Hogan & Hartson LLP.

ATTACHMENT J to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
June 5, 2008  
Page 2

Sincerely,



Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Richard S. Glaser, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT J to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

June 5, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Response to the Civil Investigative Demand Issued By  
the Federal Trade Commission, FTC File No. 0810131**

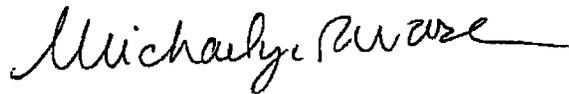
Dear Steve:

This response was prepared by Polypore's local counsel, Parker Poe Adams & Bernstein LLP, with assistance from Polypore's in-house legal department, various business people at Polypore, Daramic, and Microporous, and Hogan & Hartson LLP.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
June 5, 2008  
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware". The signature is written in black ink and is positioned above the printed name.

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Richard S. Glaser, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

June 2, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Thirteenth Response to the Subpoena Duces Tecum,  
FTC File No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
June 2, 2008  
Page 2

As we have discussed, these emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware".

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 29, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Twelfth Response to the Subpoena Duces Tecum, FTC  
File No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 29, 2008  
Page 2

As we have discussed, these emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Michaelynn R. Ware". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 28, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Eleventh Response to the Subpoena Duces Tecum, FTC  
File No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

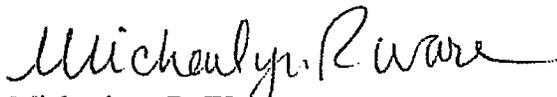
Steven A. Dahm  
May 28, 2008  
Page 2

As we have discussed, these emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 28, 2008  
Page 3

Sincerely,

  
Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 28, 2008  
Page 4

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 28, 2008  
Page 5

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order



# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 22, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Tenth Response to the Subpoena Duces Tecum, FTC  
File No. 0810131**

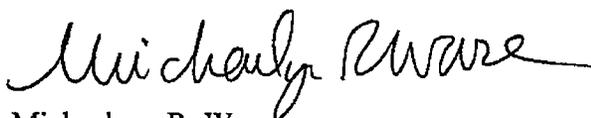
Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 22, 2008  
Page 2

This is a supplemental production of additional hard copy documents located by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina, following the collection and review of the hard copy documents previously submitted.

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware". The signature is written in black ink and is positioned above the printed name.

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 22, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Ninth Response to the Subpoena Duces Tecum, FTC File  
No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 22, 2008  
Page 2

As we have discussed, these emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware".

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

May 19, 2008

[www.hhlaw.com](http://www.hhlaw.com)  
Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Eighth Response to the Subpoena Duces Tecum, FTC File  
No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 19, 2008  
Page 2

As we have discussed, these emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware".

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 19, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Seventh Response to the Subpoena Duces Tecum,  
FTC File No. 0810131**

Dear Steve:

These emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 19, 2008  
Page 2

Sincerely,

  
Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 14, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Sixth Response to the Subpoena Duces Tecum, FTC File  
No. 0810131**

Dear Steve:

These emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Sincerely,

A handwritten signature in black ink that reads "Michaelynn R. Ware". The signature is written in a cursive, flowing style.

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 12, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Fifth Response to the Subpoena Duces Tecum, FTC File  
No. 0810131**

Dear Steve:

These e-mails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware".

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 9, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Fourth Response to the Subpoena Duces Tecum, FTC  
File No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Steven A. Dahm  
May 9, 2008  
Page 2

As with the hard copy documents, these emails and electronic documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware".

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 8, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Third Response to the Subpoena Duces Tecum, FTC  
File No. 0810131**

Dear Steve:

As with our submission yesterday, these documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Sincerely,

A handwritten signature in cursive script that reads "Michaelynn R. Ware".

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 7, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s Second Response to the Subpoena Duces Tecum, FTC  
File No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

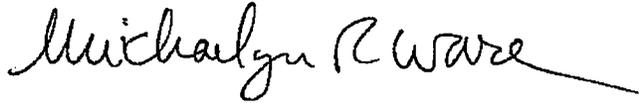
As we have discussed, these documents have been collected and reviewed by Polypore's in-house legal department and local counsel based in Charlotte, North Carolina.

---

<sup>1</sup> With respect to this second category, on April 29 and May 1, 2008, we produced PDFs of non-privileged hard copy documents from the files of Polypore's local counsel, Parker Poe Adams & Bernstein LLP.

Steven A. Dahm  
May 7, 2008  
Page 3

Sincerely,

A handwritten signature in black ink that reads "Michaelynn R. Ware". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

May 1, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Supplemental Production for Polypore International, Inc.'s First Response to the  
Subpoena Duces Tecum, FTC File No. 0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

These documents were scanned into PDF files from the hard copy files of Polypore's local counsel, Parker Poe Adams & Bertsein LLP.

Sincerely,

A handwritten signature in black ink that reads "Michaelynn R. Ware". The signature is written in a cursive, flowing style.

Michaelynn R. Ware

Enclosures

cc: Phillip Bryson, Esq.  
Benjamin Gris, Esq.  
Adam Shearer, Esq.  
Michael Shor, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

# HOGAN & HARTSON

Hogan & Hartson LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1.202.637.5600 Tel  
+1.202.637.5910 Fax

[www.hhlaw.com](http://www.hhlaw.com)

April 29, 2008

Michaelynn R. Ware  
Associate  
202-637-8857  
[mrware@hhlaw.com](mailto:mrware@hhlaw.com)

*BY HAND DELIVERY*

Steven A. Dahm, Esq.  
Attorney, Mergers II  
Bureau of Competition  
Federal Trade Commission  
Room 6017  
601 New Jersey Avenue, NW  
Washington, DC 20001

**Re: Polypore International, Inc.'s First Response to Subpoena Duces Tecum, FTC File No.  
0810131**

Dear Steve:

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order

Sincerely,

A handwritten signature in black ink, appearing to read "Michaelynn R. Ware". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michaelynn R. Ware

Enclosures

cc:

Adam Shearer, Esq.

ATTACHMENT K to  
Response to Respondent's  
Motion to Amend Scheduling  
Order