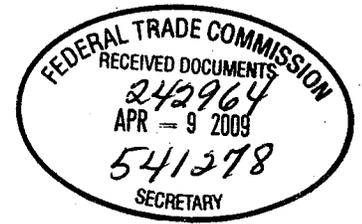


ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

**THIRD PARTY ENTEK INTERNATIONAL LLC'S
MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS
PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R § 3.45(b)**

Pursuant to 16 C.F.R. §3.45(b), third party ENTEK International LLC ("ENTEK") moves for an Order directing *in camera* treatment of the documents previously designated as confidential listed and filed under seal in Appendix A.

In support of this unopposed motion, ENTEK refers the Court to, and incorporates herein, the contemporaneously-filed memorandum, and the Declarations of Dan Weerts, Hanno F. Kaiser, and Brett D. Collins.

Dated: April 8, 2009

Respectfully submitted,

By Darius Ogloza /b.c.
Darius Ogloza

By Hanno Kaiser /b.c.
Hanno F. Kaiser

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Attorneys for ENTEK International LLC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

PROPOSED ORDER

Upon consideration of ENTEK International LLC's Motion for *In Camera* Treatment of Documents Previously Designated as Confidential Pursuant to 16 C.F.R. § 3.45(b), and the Court being fully informed, it is this ___ day of April, 2009, hereby

ORDERED, that the Motion is **GRANTED**; and it is further

ORDERED, that the following documents and information therein shall be accorded *in camera* treatment for the periods of time indicated below.

Proposed Exhibit No.	Document Number(s)	Period of time <i>in camera</i> treatment granted
RX00332 PX0900 RX0113	ENTEK_000001- ENTEK_000006 FTC-ENTK_001003-001009	1 year
	ENTEK_000007-ENTEK_000079	5 years
RX00333 RX0114	ENTEK_000197- ENTEK_000208 FTC-ENTK_000056-000189	3 years
RX00334 RX0117	ENTEK_000218 -ENTEK_000271 FTC-ENTK_000551-000562	3 years
RX00335	ENTEK_000272- ENTEK_000277	1 year
RX00146 RX00336	ENTEK_000279- ENTEK_000285	3 years

Proposed Exhibit No.	Document Number(s)	Period of time <i>in camera</i> treatment granted
RX00337	ENTEK_000290-ENTEK_000291	1 year
RX00339	ENTEK_000413-ENTEK_000429	3 years
RX00340	ENTEK_000431- ENTEK_000438	3 years
RX00341	ENTEK_000439- ENTEK_000442	1 year
	ENTEK_000515-ENTEK_000534	3 years
RX00152 RX00343	ENTEK_000849- ENTEK_000853	3 years
RX00342	ENTEK_000904- ENTEK_001077	3 years
RX00351	ENTEK_01302- ENTEK_01303	1 year
RX00353	ENTEK 001492- ENTEK_001492	3 years
RX00356	ENTEK_01656- ENTEK_01704	1 year
RX00136 PX1814	ENTEK_003567- ENTEK_003567	1 year
RX00123 RX00345	ENTEK_003673- ENTEK_003682	3 years
PX1813	ENTEK_005152	3 years
RX01522	ENTEK_005335- ENTEK_005336	1 year
RX01523	ENTEK_005338- ENTEK_005342	3 years
RX00141	ENTEK_006814- ENTEK_006824	1 year
RX00148 RX00346	ENTEK_006827- ENTEK_006840	1 year
PX1809	ENTEK_006868- ENTEK_006871	3 years
PX1815	ENTEK_007039- ENTEK_007040	3 years
RX00130 PX1804	ENTEK_007164- ENTEK_007165	3 years
PX1801	ENTEK_007173	3 years
RX00129	ENTEK_007234- ENTEK_007237	3 years
RX00128	ENTEK_007410- ENTEK_007432	3 years
PX1818	ENTEK_008345- ENTEK_008348	3 years
RX00142 RX00348	ENTEK_008450	3 years
RX00125	ENTEK_008474- ENTEK_008481	1 year

Proposed Exhibit No.	Document Number(s)	Period of time <i>in camera</i> treatment granted
RX00139 RX00349 PX1824	ENTEK_009014- ENTEK_009019	3 years
RX00140	ENTEK_009111- ENTEK_009112	1 year
RX00131 RX00350	ENTEK_009787-ENTEK_009801	3 years
RX00124	ENTEK_011818- ENTEK_011824	1 year
PX1803	ENTEK_012596- ENTEK_012597	3 years
RX00147 RX01513 PX1825	ENTEK_013029- ENTEK_013030	3 years
RX00143 RX00352	ENTEK_013080- ENTEK_013083	3 years
RX00138	ENTEK_014926- ENTEK_014928	3 years
RX00134 PX1811	ENTEK_015016- ENTEK_015017	3 years
RX00150 RX00354	ENTEK_015059	3 years
PX1816	ENTEK_015130- ENTEK_015132	3 years
RX00135	ENTEK_015176- ENTEK_015179	1 year
RX00127	ENTEK_015206- ENTEK_015210	1 year
PX1821	ENTEK_015454- ENTEK_015456	3 years
RX00132	ENTEK_015495-ENTEK_015497	3 years
RX00355	ENTEK_015569- ENTEK_015606	1 year
RX00259 PX1832	ENTEK_015607- ENTEK_015644	1 year
RX00260	ENTEK_015645- ENTEK_015660	3 years
RX00261	ENTEK_015661- ENTEK_015678	1 year
RX00120 RX00121 RX00122 RX00262	ENTEK_015679- ENTEK_015742	5 years
PX1800	ENTEK_015784	1 year
RX00118	ENTEK_016581- ENTEK_016588	3 years
RX00119	ENTEK_016704-ENTEK_016711	3 years
RX00116	ENTEK_017005- ENTEK_017010	5 years

Proposed Exhibit No.	Document Number(s)	Period of time <i>in camera</i> treatment granted
RX00115	ENTEK_017522- ENTEK_017534	1 year
RX00126	ENTEK_018606- ENTEK_018620	3 years
PX1817	ENTEK_020967- ENTEK_020968	3 years
PX1802	ENTEK_021638	1 year
PX1823	ENTEK_022545- ENTEK_022546	1 year
PX1820	ENTEK_022583- ENTEK_022586	3 years
RX01514	ENTEK_024043- ENTEK_024052	5 years
RX00358 RX00112	ENTEK_024053- ENTEK_024058 FTC-ENTK-000993-000998	1 year
PX1830	ENTEK_024059- ENTEK_024074	3 years
PX1828	ENTEK_024075	3 years
PX1831	ENTEK_024078- ENTEK_024079	3 years
PX1826	ENTEK_024081- ENTEK_024084	3 years
PX2109	ENTEK_024085-ENTEK_024086	1 year

The Honorable D. Michael Chappell
Chief Administrative Law Judge

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

**THIRD PARTY ENTEK INTERNATIONAL LLC'S MEMORANDUM
IN SUPPORT OF MOTION FOR *IN CAMERA* TREATMENT OF
DOCUMENTS PREVIOUSLY DESIGNATED AS
CONFIDENTIAL PURSUANT TO 16 C.F.R § 3.45(b)**

ENTEK International LLC ("ENTEK") is not a party to this proceeding. During all phases of the Federal Trade Commission's ("Commission") investigation and the subsequent adjudicatory proceeding, ENTEK has cooperated with the discovery demands of the Commission and Respondent Polypore International, Inc. ("Polypore"). While facilitating access to its relevant, highly confidential documents, ENTEK has consistently taken steps to protect the confidential nature of the documents described in this Motion, which are listed in and filed under seal in Appendix A. As established by the concurrently-filed Declaration of Dan Weerts ("Weerts Decl."), disclosure of ENTEK's confidential information to the public exposes ENTEK to a substantial risk of serious injury and would undoubtedly negatively impact competition in the polyethylene battery separator industry. The confidential information at issue meets the requirements for *in camera* treatment as provided in 16 C.F.R. § 3.45(b). Moreover, neither the Commission nor Polypore object to the relief requested here. For these reasons, ENTEK

respectfully requests that this Court issue an order directing that the confidential information receive *in camera* treatment during trial and for the respective periods set forth in Appendix A.

ARGUMENT

I. ***IN CAMERA* TREATMENT IS MANDATED UNDER THE FEDERAL TRADE COMMISSION'S RULES OF PRACTICE**

Under 16 C.F.R. §3.45(b), the Administrative Law Judge *shall* order that material “be placed in camera only after finding that its public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.” “The party seeking *in camera* treatment must make a clear showing that the information concerned is sufficiently secret and sufficiently material to [its] business that disclosure would result in serious competitive injury.” *In the Matter of Dura Lube Corp.*, 1999 FTC Lexis 255 * 6 (1999). “The likely loss of business advantages is a good example of a ‘clearly defined, serious injury.’” *In the Matter of Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 138 * 6 (2000). When determining materiality and secrecy, the following six factors are usually weighed: “(1) the extent to which the information is known outside of the applicant's business; (2) the extent to which the information is known by employees and others involved in the applicant's business; (3) the extent of measures taken by the applicant to guard the secrecy of the information; (4) the value of the information to the applicant and its competitors; (5) the amount of effort or money expended by the applicant in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.” *Id.*

A. **ENTEK Has Preserved the Confidentiality of the Documents At Issue**

The confidential information at issue in this Motion generally falls into the following six categories: (1) customer contracts; (2) confidential communications with customers and/or confidential customer information; (3) ENTEK's price lists, individual customer pricing and cost; (4) ENTEK's sales and/or capacity data; (5) ENTEK's product

information and/or testing results; and (6) ENTEK's global business plans and strategy.

The confidential information which is the subject of the instant motion consists primarily of specific ENTEK business records and summaries of business records which are not known outside of ENTEK and which ENTEK has disclosed only to those of its employees who have a need to know the information in order to perform their job functions properly. (Weerts Decl. ¶¶ 5-10.) ENTEK has also taken significant steps to protect the confidential nature of this information, both in the regular course of its business and in connection with this proceeding. (Weerts Decl. ¶¶ 3, 5-10; Declaration of Hanno F. Kaiser ("Kaiser Decl.") ¶¶ 5, 6.) Accordingly, there should be no question that the first three of the six factors considered by the Courts in determining whether to grant *in camera* treatment are met in this case.

Specifically, ENTEK produced the confidential information only after specifically negotiating, at substantial expense to it, a letter-agreement with Respondent Polypore that modified the protective order previously entered by the parties in this case in a manner to ensure added layers of protection to ENTEK's confidential information. (Weerts Decl. ¶ 3; Kaiser Decl. ¶¶ 5, 6; see Stipulation and Order Regarding Discovery Related to ENTEK International LLC entered on November 18, 2008.) The purpose of this special agreement was to ensure that ENTEK's confidential materials would receive sufficient protection from disclosure to competitors and the public.

In addition, and apart from this litigation, ENTEK has taken adequate precautionary measures to guard the secrecy of its confidential information. The confidential information is not distributed outside of the company. (Weerts Decl. ¶¶ 5-10.) Additionally, ENTEK has specifically limited dissemination of such information within its business organization to those who need to know the information to perform their job functions. (Weerts Decl. ¶¶ 5-10.) For example, pricing information is only distributed to ENTEK's senior management, and when necessary, to sales employees strictly in the context of a particular customer relationship. (Weerts Decl. ¶ 7.) All ENTEK employees are required to sign nondisclosure agreements. (Weerts Decl. ¶ 11.) In short, ENTEK has gone to great lengths to preserve the confidentiality of the confidential information.

B. The Information at Issue is Valuable to ENTEK's Business and Its Disclosure Would Result in Serious Competitive Injury to ENTEK and the Public

The subject matter of the confidential information is detailed, highly sensitive and extremely valuable to ENTEK's ability to successfully compete. (Weerts Decl ¶¶ 2, 5-10.) For example, these documents include annual summaries of sales volume and price by customers on a global basis, as well as, short-term and long-term business strategies. Also included are actual customer contracts providing such detail as price, supply demands and product specifications. Each and every one of the six categories of information covered in the documents is highly material to the day-to-day running of ENTEK's business. (Weerts Decl. ¶¶ 5-10.) ENTEK has incurred great cost becoming a leader in the polyethylene battery separator industry. (Weerts Decl. ¶ 9.) The company has dedicated significant time and money to developing superior product lines and a winning business strategy which streamlines production and capitalizes on its strengths. (Weerts Decl. ¶¶ 9, 10.) In fact, the confidential information includes some of the company's most valuable business secrets. (Weerts Decl. ¶ 12.)

This confidential information, if disclosed, also would be extremely valuable to ENTEK's competitors, suppliers, and customers. For example, long-term contract pricing, product specifications and customer lists are core business secrets. (Weerts Decl. ¶¶ 5-7.) ENTEK spent millions of dollars to develop this information and tens of thousands of dollars to keep this information from Polypore. (Weerts Decl. ¶¶ 3, 9.) If the information were disclosed to the public, ENTEK would suffer immediate harm as customers would use their knowledge about revealed customer contract terms as bargaining leverage vis-à-vis ENTEK and competitors would gain an unfair advantage as they could approach ENTEK's customers armed with the knowledge of the exact terms of ENTEK's contracts. (Weerts Decl. ¶¶ 2, 5.)

In addition to harming ENTEK, disclosure would also harm competition in the market for battery separators in that the removal of uncertainty would diminish the incentives of

ENTEK's competitors to bid aggressively. Similarly, ENTEK's competitiveness would be significantly impaired as ENTEK's suppliers would be able to use the exact downstream pricing information as leverage in negotiating supply contracts, which would put ENTEK at an unjustified disadvantage vis-à-vis its competitors. (Weerts Decl. ¶ 7.) Accordingly, public access to ENTEK's confidential and proprietary information, particularly disclosure to Polypore,¹ would expose ENTEK to a serious competitive disadvantage and would unquestionably result in an egregious, and devastating, injury to ENTEK's ability to compete. (Weerts Decl. ¶¶ 2, 5-12.)

C. The Public Interest in Disclosure of the Information At Issue is Outweighed by the Likelihood of Serious Competitive Harm to ENTEK

The public has no genuine interest in gaining access to confidential ENTEK business records. On balance, as shown above, ENTEK has much to lose should its confidential information be disseminated to the public.

“[T]he requests of [third parties] deserve special solicitude. As a policy matter, extensions of confidential or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests.” *In the Matter of Kaiser Aluminum & Chemical Corp.*, 103 F.T.C. 500 *2-3 (1984). ENTEK has cooperated with the discovery demands in this case, while taking careful measures to protect its confidential information. Disclosing documents containing ENTEK's highly confidential information will not materially promote resolution of this matter or measurably enhance the public's understanding of the proceedings. Moreover, the disclosure to Polypore and the public would have devastating consequences for the public interest, namely competition in the battery separator industry because, as stated in the Commission's complaint, ENTEK is Polypore's “sole

¹ Counsel for the Commission has alleged in the Complaint that ENTEK is Polypore's “sole remaining competitor.” Complaint, filed September 10, 2008, at ¶19.

remaining competitor.”² The Commission and Polypore do not object to ENTEK’s motion seeking *in camera* treatment over the confidential information identified in Appendix A. (Declaration of Brett D. Collins ¶¶ 2-4.)

D. Protection Should Extend for a Period of One to Five Years

“Where *in camera* treatment is granted for ordinary business records, such as business plans, marketing plans, or sales documents, it is typically extended for two to five years.” *In the Matter of Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 157 *7 (2000). The nature of the highly confidential information contained in Appendix A deserves *in camera* protection for a minimum of one year, and in some cases up to five years. ENTEK’s product, sales and capacity data, along with its business strategy information, are crucial to ENTEK’s competitive positions. (Weerts Decl. ¶¶ 2, 5-10.) Because public disclosure would be devastating to ENTEK, maintaining the confidentiality of these materials is vital to ENTEK’s continuing business. (*Id.*) ENTEK has reviewed and assessed the confidential information contained in each document identified in Appendix A and has indicated the minimum time period for which *in camera* treatment is necessary to avoid serious injury. (Weerts Decl. ¶ 12.) The time periods provided are based on careful analysis of the confidential information at issue. (*Id.*) Accordingly, ENTEK respectfully requests that the information identified in Appendix A be afforded *in camera* protection for the period of time indicated therein.

² Complaint, filed September 10, 2008, at ¶19.

CONCLUSION

For the forgoing reasons, ENTEK respectfully requests that the Court enter an order providing for *in camera* treatment of the confidential information described in Appendix A hereto.

Dated: April 8, 2009

Respectfully submitted,

By Darius Ogloza /B.C.
Darius Ogloza

By Hanno Kaiser /B.C.
Hanno Kaiser

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Attorneys for ENTEK International LLC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

**DECLARATION OF DAN WEERTS IN SUPPORT OF ENTEK INTERNATIONAL
LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY
DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R § 3.45(b)**

I, Dan Weerts, under penalty of perjury, declare that the following is true and correct to the best of my knowledge:

1. I am Vice President of Sales & Marketing at ENTEK International LLC ("ENTEK"). I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.
2. I have reviewed Appendix A to ENTEK's motion for *in camera* treatment, including all of the documents identified on that list. In my judgment, as an officer of ENTEK entrusted with overseeing sales and marketing activities on behalf of the company, all of the documents identified on Appendix A contain confidential business information of ENTEK that, in my view, would result in the likely loss of business advantages to ENTEK if the contents were to be disclosed to Polypore and other participants in the battery separator market. In fact, I firmly believe that disclosure to Polypore (and the public) of the information contained in the documents identified on Appendix A would result in an egregious, and devastating, injury to

ENTEK's ability to compete. I also believe that the documents identified on Appendix A are material to ENTEK's business in the sense that these constitute core company information and/or important business records.

3. ENTEK sought legal advice and incurred substantial cost, in the range of several tens of thousands of dollars, to protect the confidentiality of the documents it produced in connection with the above litigation.

4. For ease of reference, we have categorized the information identified in Appendix A into six subject matter categories. Each category is discussed separately below.

5. Documents in Category 1 pertain to customer contracts. The information contained in these documents has not, to my knowledge, been disclosed to any member of the public aside from the parties themselves. The terms of such contracts are kept strictly confidential by ENTEK, and the contracts are not widely distributed within the company. Details are disclosed only to a select group of ENTEK employees, including senior management. Sales employees responsible for a particular customer relationship may be given access to certain portions of the relevant contract. This information is material to ENTEK's business and its disclosure to Polypore, customers, competitors, and the public would cause serious competitive injury to ENTEK. ENTEK has spent substantial resources on securing and maintaining its contractual relationships with its customers. If the information were disclosed to the public, ENTEK would suffer immediate harm as customers would use their knowledge about revealed customer contract terms as bargaining leverage vis-à-vis ENTEK and competitors would gain an unfair advantage as they could approach ENTEK's customers armed with the knowledge of the exact terms of ENTEK's contracts.

6. Documents in Category 2 contain confidential communications with customers and/or confidential customer information. This information relates to customer

relationships and strategy relating to keeping and/or securing additional business from ENTEK customers. This information is not disclosed to the public in ENTEK's regular course of business. The details about customer relationships are kept strictly confidential and are not widely distributed within the company. Details are disclosed only to a select group of ENTEK employees, including senior management, and when necessary the sales employees responsible for that particular customer relationship. This information is material to ENTEK's business and its disclosure to Polypore and the public would cause serious competitive injury to ENTEK. ENTEK has spent substantial resources on securing and maintaining its contractual relationships with its customers and these communications contain material terms refining those relationships.

7. Documents in Category 3 contain information about ENTEK's price lists, individual customer pricing and cost. The details about ENTEK's product costs and prices are kept strictly confidential and are not widely distributed within the company. Details are disclosed only to a select group of ENTEK employees, including senior management and, when necessary, the sales employees strictly in the context of a particular customer relationship. This information is plainly material to ENTEK's business and directly impacts ENTEK's competitive position. If the information were disclosed to the public, competitors would gain an unfair advantage as they could approach ENTEK's customers armed with the knowledge of the exact contract terms. Similarly, ENTEK's competitiveness would be significantly impaired as ENTEK's suppliers would be able to use the exact downstream pricing information as leverage in negotiating supply contracts, which would put ENTEK at an unjustified disadvantage vis-à-vis its competitors. Disclosure of such information to Polypore and the public would cause serious competitive injury to ENTEK.

8. Documents in Category 4 contain information about the ENTEK's sales and/or capacity. This information is not disclosed to the public. It is highly confidential and not

widely distributed within the company. Capacity details are disclosed only to a select group of ENTEK employees, including senior management and others strictly on a need-to-know basis. Sales details are even more closely guarded and disclosed only to senior management. This information is material to ENTEK's business and directly impacts ENTEK's competitive position. Its disclosure to Polypore and the public would cause serious competitive injury to ENTEK.

9. Documents in Category 5 contain proprietary information about ENTEK products and testing thereof. This information is highly confidential and kept secret in the regular course of ENTEK's business; it is certainly not disclosed to the public. Details are disclosed only to a select group of ENTEK employees, including senior management and ENTEK engineers and/or manufacturing team members responsible for product development. ENTEK has spent millions of dollars on research and development costs. This information is material to ENTEK's business and directly impacts ENTEK's competitive position. Its disclosure to Polypore and the public would cause serious competitive injury to ENTEK.

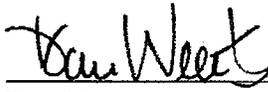
10. Documents in Category 6 contain detailed information about ENTEK's global business plans and strategy. This information is highly confidential and kept secret in the regular course of ENTEK's business; it is not disclosed to the public. Details are disclosed only to a select group of ENTEK employees, including senior management. This information is material to ENTEK's business and directly impacts ENTEK's competitive position. ENTEK has dedicated significant time and money to developing superior product lines and a winning business strategy which streamlines production and capitalizes on its strengths. Its disclosure to Polypore and the public would cause serious competitive injury to ENTEK.

11. ENTEK requires all of its employees to sign a nondisclosure agreement covering all of the kinds of documents described in the paragraphs immediately above. Among

other things, these agreements are meant to prevent the distribution of ENTEK's confidential information.

12. The information identified in Appendix A includes some of ENTEK's most valuable business secrets. Disclosure of this confidential information would result in irreparable harm to ENTEK. I personally reviewed all information included in Appendix A and determined the level of risk of injury disclosure of such materials would have on ENTEK. Based upon my analysis of these confidential materials, I have indicated the minimal period of time for which, in my judgment, these documents should be provided *in camera* treatment.

I declare, under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed this 8th day of April 2009, in Lebanon, Oregon.

By  _____
Dan Weerts
ENTEK International LLC
250 N. Hansard Avenue
Lebanon, Oregon 97355

APPENDIX A

IN CAMERA

[FILED UNDER SEAL]

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

**DECLARATION OF HANNO F. KAISER IN SUPPORT OF ENTEK INTERNATIONAL
LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY
DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R § 3.45(b)**

I, Hanno F. Kaiser, under penalty of perjury, declare that the following is true and correct to the best of my knowledge:

1. I am an attorney duly licensed to practice before the courts of the States of New York and California. I am a partner with the law firm of Latham & Watkins LLP, legal counsel for ENTEK International LLC ("ENTEK"). I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. As counsel for third-party ENTEK in this matter, I received notice from both the Federal Trade Commission ("Commission") and Polypore International, Inc. ("Polypore") that each had identified as proposed trial exhibits certain documents that ENTEK produced in connection with this adjudicatory proceeding pursuant to the subpoena *duces tecum* served on it by Polypore on November 6, 2008.

3. Attached hereto as Exhibit 1 is a true and correct copy of the letter from Steven A. Dahm to Hanno Kaiser, dated March 25, 2009, regarding the Commission's exhibit

list.

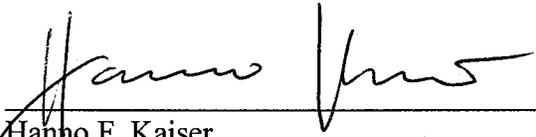
4. Attached hereto as Exhibit 2 is a true and correct copy of the letter from Eric D. Welsh to Hanno Kaiser, dated March 31, 2009, regarding Polypore's exhibit list.

5. In October, November and December 2008, I engaged counsel for Polypore in lengthy negotiations regarding the appropriate protections necessary to secure ENTEK's confidential information. These negotiations culminated in the signing of a letter-agreement, dated December 22, 2008, which limited the disclosure group to the following individuals: (a) outside antitrust litigation counsel, i.e., Parker Poe Adams & Bernstein LLP ("Parker Poe") attorneys staffed on the matter; (b) outside antitrust economists (e.g., CRAI, CompassLexecon, LECG, Brattle Group) retained by Polypore as consultants or testifying experts for purposes of this litigation ("Economic Experts"); (c) Approved Industry Experts as defined by the Agreement; (d) Administrative Law Judge presiding over this proceeding, personnel assisting the Administrative Law Judge, the Federal Trade Commission ("Commission") and its employees, and antitrust economists retained by the Commission as experts or consultants for this proceeding; (e) judges and other court personnel of any court having jurisdiction over any appellate proceedings involving this matter; (f) court reporters in this matter; (g) any ENTEK witness or deponent who may have authored or received the ENTEK Information; and (h) any other person(s) to whom ENTEK agrees to in writing.

6. Attached hereto as Exhibit 3 is a true and accurate copy of the letter-agreement between ENTEK and Polypore, dated December 22, 2008.

7. The documents listed and attached under seal in Appendix A are subject to the Protective Order entered on October 23, 2008, and the Stipulation and Order Regarding Discovery Related to ENTEK International LLC entered on November 18, 2008.

I declare, under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed this 8th day of April 2009, in San Francisco, California.

By 
Hanno F. Kaiser

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hanno.kaiser@lw.com

Attorney for ENTEK International LLC

Exhibit

1



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

Bureau of Competition

Direct Dial
(202) 326-2192

March 25, 2009

via Express Mail

Hanno F. Kaiser, Esq.
Latham & Watkins
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538

Re: *Polypore International, Inc.*
FTC Docket No. 9327

Dear Mr. Kaiser:

We are contacting you to provide you and your client formal notice, pursuant to 16 C.F.R. § 3.45(b), that Complaint Counsel has placed documents from Entek on its exhibit list and intends to offer these documents into evidence in the administrative trial in this matter. The administrative trial is scheduled to begin on May 12, 2009. All exhibits admitted into evidence become part of the public record unless *in camera* status is granted by the Administrative Law Judge, D. Michael Chappell. Enclosed with this letter is a list identifying the documents from Entek that are included on Complaint Counsel's exhibit list and a CD containing a copy of those documents.

For documents that include sensitive or confidential information that you do not want on the public record, you must file a motion addressed to Judge Chappell seeking *in camera* status or other confidentiality protections for the information pursuant to 16 C.F.R. § 4.10(g). Judge Chappell may order that materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly defined, serious injury to the person, partnership or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re Dura Lube Corp.*, 1999 FTC LEXIS 255 (Dec. 23, 1999); *In re Hoechst Marion Roussel, Inc.*, 2000 FTC LEXIS 157 (Nov. 22, 2000) and 2000 FTC LEXIS 138 (Sept. 19, 2000); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). Each party or non-party that files a motion

for *in camera* treatment shall provide one copy of the documents for which *in camera* treatment is sought to Judge Chapell. Finally, examples of motions requesting *in camera* treatment can be found by searching the FTC website (*i.e.*, www.ftc.gov).

Please be aware that under the current Scheduling Order, the deadline for filing motions seeking *in camera* status is April 9, 2009. By that date, an original and two copies of your motion should be filed with the Office of the Secretary, Room H135 at 600 Pennsylvania Avenue, N.W., Washington D.C. 20580. Also, serve copies of your motion as follows: (1) send two copies by first class mail and e-mail a copy to Honorable D. Michael Chappell, Administrative Law Judge, Federal Trade Commission, 600 Pennsylvania Avenue, NW, H-106, Washington, DC 20580 (oyalj@ftc.gov); (2) Send copies by first class mail and e-mail a copy to counsel for Respondent Polypore International, Inc: William L. Rikard, Jr. and Eric D. Welsh at Parker, Poe, Adams & Bernstein, LLP, Three Wachovia Center, 401 South Tryon Street, Suite 3000, Charlotte, North Carolina 28202; williamrikard@parkerpoe.com and ericwelsh@parkerpoe.com ; and (3) Send copies by first class mail and e-mail a copy to Complaint Counsel: J. Robert Robertson and Steven A. Dahm at Federal Trade Commission, 600 Pennsylvania Ave., NW, Washington, DC 20580 (rrobertson@ftc.gov and sdahm@ftc.gov).

If you have any questions, please call me at 202-326-2192.

Regards,



Steven A. Dahm
Attorney

COMPLAINT COUNSEL'S FINAL PROPOSED EXHIBIT LIST

<u>EXHIBIT NO.</u>	<u>EXHIBIT TITLE</u>	<u>DATE</u>	<u>BEGDOC</u>	<u>ENDDOC</u>
PX0900	Affidavit of Dan Weerts	7/3/2008	PX0900	PX0900-006
PX1800	AMERACE, Proposed Meeting with Kelso (pros & cons list)		ENTEK_015784	ENTEK_015784
PX1801	JCI Strategic Options		ENTEK_007173	ENTEK_007173
PX1802	Email to Weerts from Humphrey w/Attach: C&D Amerace	1/4/2006	ENTEK_021638	ENTEK_021638
PX1803	JCI Strategy Discussion	5/26/2006	ENTEK_012596	ENTEK_012597
PX1804	D v. E Differences		ENTEK_007164	ENTEK_007165
PX1805	Email to Donjon from Gerts re: UHMW PE new shortage - Call for EnerSys	10/9/2006	ENTEK_006018	ENTEK_006020
PX1806	Email to Humphrey, Weerts, et al. from Fraser-Bell re: UHMWPE Shortage	10/17/2006	ENTEK_004654	ENTEK_004655
PX1807	Email to LLC Management Team from Fraser-Bell re: Exide and EnerSys news	10/3/2007	ENTEK_004797	ENTEK_004797
PX1808	Email to Fraser-Bell, et al. from Weerts re: EnerSys - Daramic - Amerace	11/3/2006	ENTEK_019271	ENTEK_019271
PX1809	Exide - Technologies Transportation	2/28/2007	ENTEK_006868	ENTEK_006871
PX1810	Email to Weerts and Humphrey from Fraser-Bell re: Industrial leaf opportunity at Douglas	3/27/2007	ENTEK_004555	ENTEK_004556
PX1811	US Bank Meeting - Reasons for the JCI Contract	6/28/2007	ENTEK_015016	ENTEK_015017
PX1812	Email to Weerts from Fraser-Bell re: Special Industrial Separators	6/29/2007	ENTEK_015195	ENTEK_015196
PX1813	Email to Ulrich, Humphrey, et al. from Pekala re: Entek Separators with low electrical resistance	7/4/2007	ENTEK_005152	ENTEK_005157
PX1814	Email to Humphrey and Weerts from Fraser-Bell re: Oops at Moura	7/26/2007	ENTEK_003567	ENTEK_003567
PX1815	Exide Meeting	8/15/2007	ENTEK_007039	ENTEK_007040
PX1816	Email to Keith, Lee, et al. from Fraser-Bell re: Implications of LTD costs increases on av. prices in 2008	9/26/2007	ENTEK_015130	ENTEK_015132
PX1817	Email to Pfanner from Humphrey re: Entek - Sample	11/26/2007	ENTEK_020967	ENTEK_020968
PX1818	Letter to GFD, et al. from DW re: Sales & Marketing Monthly Report	12/21/2007	ENTEK_008345	ENTEK_008348
PX1819	Email to Fraser-Bell and Weerts from Ulrich re: MP	1/18/2008	ENTEK_006624	ENTEK_006624
PX1820	Email to Ulrich from Weerts re: BS separator profile	1/25/2008	ENTEK_022583	ENTEK_022586

COMPLAINT COUNSEL'S FINAL PROPOSED EXHIBIT LIST

<u>EXHIBIT NO.</u>	<u>EXHIBIT TITLE</u>	<u>DATE</u>	<u>BEGDOC</u>	<u>ENDDOC</u>
PX1821	Email to GFB from Keith re: Exide Europe Ind. PE cherry pick	2/21/2008	ENTEK_015454	ENTEK_015456
PX1822	Email to Looper, Chapman, et al. from Powell re: Polypore Acquires Amerace;	3/5/2008	ENTEK_012908	ENTEK_012909
PX1823	Email to Fraser-Bell from Weerts re: Exide - discussion with Alberto Perez;	3/10/2008	ENTEK_022545	ENTEK_022546
PX1824	Letter to Fraser-Bell, et al. from DW re: Subject: Monthly Report - March 2008;	4/10/2008	ENTEK_009014	ENTEK_009019
PX1825	Email to Gillespie, Pradeep, et al. from Fraser-Bell re: ENTEK International supply proposal to Exide	6/4/2008	ENTEK_013029	ENTEK_013030
PX1826	Email to Weerts from Powell re: Exide Quote	6/7/2007	ENTEK_024081	
PX1827	Email to L Keith from R Keith re: Industrial Separators	8/24/2007	ENTEK_024080	
PX1828	2008 Objectives Chart	00/00/2008	ENTEK_024075	
PX1829	Sales Managers Meeting	1/14/2008	ENTEK_024076	
PX1830	Entek - Customer/profile/pricing review	2/5/2008	ENTEK_024059	ENTEK_024074
PX1831	Email to Pekala, Fraser-Bell, et al. from Fraser-Bell re: Exide - ER Presentation	3/28/2008	ENTEK_024078	
PX1832	Entek - 2006 Global SLI PE Separator Presentation		ENTEK_015607	ENTEK_015644
PX1833	Excerpts - Responses to CID Interrogatory Specifications Issued to ENTEK International, LLC	4/10/2008	FTC-ENTK-000056	FTC-ENTK-000649

Exhibit

2

PARKER POE

PARKER POE ADAMS & BERNSTEIN LLP

Attorneys and Counselors at Law

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Partner

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March 31, 2009

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

LATHAM & WATKINS LLP
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505 Montgomery Street
San Francisco, CA 94111
hanno.kaiser@lw.com

ENTEK INTERNATIONAL, LLC
250 N. Hansard Ave.
Lebanon, OR 97355

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

Ladies and Gentlemen:

Following up on my letter of March 27, 2009, below please find a list identifying evidence Polypore International, Inc. ("Polypore") may introduce at the May 12, 2009 hearing of the above-referenced matter. This list specifies the ENTEK documents on Polypore's trial exhibit list and the designation of testimony from ENTEK witness depositions. Please be advised that pursuant to the terms of the Protective Order and Rule 3.45(b), you may obtain *in camera* treatment for such evidence, or any portion thereof, only by appropriate motion to the Administrative Law Judge. If you have any questions regarding the foregoing, please feel free to contact me.

Deponent/Date	Designations
Daniel Weerts – Deposition Date 2/10/2009	p. 1, line 1 – 25 p. 6, line 1 - 22 p. 7, line 8 – p. 9, line 13 p. 10, line 17 – p. 11, line 18 p. 18, line 20 – p. 20, line 15 p. 22, line 21 – p. 24, line 7 p. 28, line 9 – p. 30, line 18 p. 33, line 6 – p. 42, line 25 p. 43, line 13 – p. 56, line 6 p. 58, line 12 – p. 64, line 18

CHARLESTON, SC
COLUMBIA, SC
MYRTLE BEACH, SC
RALEIGH, NC
SPARTANBURG, SC

Disposition/Date	Description/Location
	<p>p. 67, line 13 – p. 70, line 10 p. 73, line 15 – p. 146, line 18 p. 149, lines 4-22 p. 152, line 1 – p. 153, line 18 p. 154, line 3 – p. 156, line 14 p. 158, line 12 – p. 170, line 10 p. 174, line 1 – p. 178, line 5 p. 179, line 2 – p. 185, line 9 p. 186, line 24 – p. 189, line 19 p. 190, line 1 – p. 197, line 3 p. 214, line 2 – p. 218, line 21 p. 228, line 11 – p. 232, line 5</p>

Trial Ex. No.	Description	Date	Begin Doc. No.	End Doc. No.
RX00332	Affidavit of Dan Weerts	07/03/08	ENTEK_000001	ENTEK_000006
RX00333	Responses to Int. Specs. For CID	04/10/08	ENTEK_000197	ENTEK_000208
RX00334	Entek Sales Data	00/00/06	ENTEK_000218	ENTEK_000271
RX00335	Capacity Utilization for LTD Plant	00/00/06	ENTEK_000272	ENTEK_000277
RX00146	Attachment 3(g)	03/07/08	ENTEK_000279	ENTEK_000290
RX00336	Entek Quotations; Cost Data	03/07/08	ENTEK_000279	ENTEK_000290
RX00337	Entek Call Report	12/27/07	ENTEK_000290	ENTEK_000291
RX00338	Global Poly Separator RFQ Tech Requirements	00/00/00	ENTEK_000292	ENTEK_000412
RX00339	Entek Intl. Response to RFP for Battery Separator Material	00/00/00	ENTEK_000413	ENTEK_000429
RX00340	Entek Spreadsheets re to Plants	01/01/06	ENTEK_000431	ENTEK_000438
RX00341	CID Submission	01/01/06	ENTEK_000439	ENTEK_000442
RX00152	Agreement between Entek and Tai Kwong-Yokohama	04/01/06	Entek_000849	Entek_000853
RX00343	Agreement Between Entek and Yokohama	04/01/06	ENTEK_000849	ENTEK_000853
RX00342	Entek Call Reports and Visit Reports	03/09/06	ENTEK_000904	ENTEK_001077
RX00151	Agency Agreement	07/00/99	Entek_001095	Entek_001103

March 31, 2009

Page 3

	with Dumas			
RX00344	Agency Agreement between Entek and Dumas	07/00/99	ENTEK_001095	ENTEK_001103
RX01512	Chinese PE Capacity / Usage Summary		ENTEK_001267	ENTEK_001268
RX00353	Price Quote Summary and Authorization	01/11/06	ENTEK_001492	ENTEK_001492
RX00136	Email from Bell re: Oops at Moura	07/26/07	ENTEK_003567	ENTEK_003567
RX00123	2006 Strategic Sales & Marketing Objectives	00/00/06	ENTEK_003673	ENTEK_003682
RX00345	2006 Sales and Marketing Objectives	00/00/06	ENTEK_003673	ENTEK_003682
RX01522	Email re: JCI Brazil & Fulguris Trip Report	01/18/06	ENTEK_005335	ENTEK_005336
RX01523	Email re: Inventory 1Q 06	03/24/06	ENTEK_005338	Entek_005342
RX00141	Exide Cherry Pick proposal	04/20/06	ENTEK_006814	ENTEK_006824
RX00148	Comparative Tests Between Entek and Daramic Separators	00/00/00	Entek_006827	Entek_006840
RX00346	Comparative Tests Between Entek and Daramic Separators	00/00/00	ENTEK_006827	ENTEK_006840
RX00130	D vs. E major differences	00/00/00	ENTEK_007164	ENTEK_007165
RX00129	JCI Volume Potential Scenario and Capacity Plan	00/00/05	ENTEK_007234	ENTEK_007237
RX00128	JCI Global SLI PE separator review 2007 - 2010	00/00/07	ENTEK_007410	ENTEK_07432
RX00137	Daramic High Performace Product Specification	10/07/03	Entek_007459	Entek_007468
RX00347	Daramic Performance Spreadsheets	10/07/03	ENTEK_007459	ENTEK_007468
RX00142	2007 Objections by Marcus Ulrich	00/00/07	ENTEK_008450	ENTEK_008450

March 31, 2009

Page 4

RX00348	Marcus Ulrich Spreadsheet re 2007 Performance	00/00/07	ENTEK_008450	ENTEK_008450
RX00125	Capacity - LLC	00/00/00	ENTEK_008474	ENTEK_008481
RX00139	Monthly Report- March 2008	04/10/08	Entek_009014	ENTEK_009019
RX00349	March 2008 Report	04/10/08	ENTEK_009014	ENTEK_009019
RX00140	Email from Bell re: Entek Weely Core Team Meeting	04/13/08	ENTEK_009111	ENTEK_005179
RX00350	Memo of Understanding bw JCI and Entek	04/30/07	ENTEK_009787	ENTEK_009181
RX00124	Strategic Review of Entek Global PE Business	00/00/00	Entek_011818	Entek_011824
RX00351	Stragetig Meeting Agenda	09/18/07	ENTEK_01302	ENTEK_01303
RX00147	Email Bell to Gillespie re Entek International Supply Proposal to Exide	06/04/08	Entek_013029	Entek_013030
RX01513	Email re: ENTEK International Supply Proposal to Exide	06/04/07	ENTEK_013029	ENTEK_013030
RX00143	Meeting Minutes Exide-Technologies Transportation	02/28/07	Entek_013080	Entek_013083
RX00352	Exide Meeting Minutes (Feb. 2007)	02/00/07	ENTEK_013080	ENTEK_013083
RX00138	Email from Weerts re: Requirements	02/13/08	Entek_014926	Entek_014928
RX00134	US Bank Meeting Reasonf or the JCI Contract	06/28/07	Entek_015016	Entek_015017
RX00150	Email Pekala to Weller re: Gold Car Separators	03/11/08	Entek_015059	Entek_015059
RX00354	Email from Rick Pekala	03/11/08	ENTEK_015059	ENTEK_015059
RX00135	Visit Report	07/18/07	Entek_015176	Entek_015179
RX00127	SLI Capacity review 2007 - 2009	06/00/07	Entek_015206	Entek_015210
RX00132	Memo from Humphrey re: JCI	05/10/07	Entek_015495	Entek_015497

March 31, 2009

Page 5

	Technical Visit			
RX00355	2005 Global SLI PE Separator Strategic Review	00/00/05	ENTEK_015569	ENTEK_015606
RX00259	2006 Global SLI PE Separator strategic Sales and Marketing review	00/00/06	Entek_015607	Entek_015644
RX00260	2007 sales and marketing review	01/14/08	Entek_015645	Entek_015660
RX00261	Sales Data by Customer and Country	00/00/00	Entek_015661	Entek_015678
RX00120	NewCastle Upon Tyne 2008 Year to Date Sales (November)	11/00/08	Entek_015679	Entek_015682
RX00122	NewCastle Upon Tyne 2008 Year to Date Sales (November)	11/00/08	Entek_015679	Entek_015742
RX00262	Entek International 2008 YTD Sales	00/00/08	Entek_015679	Entek_015742
RX00121	NewCastle Upon Tyne Total Sales (March 2008)	03/00/08	Entek_015731	Entek_015742
RX00356	Rhino Hide Presentation	00/00/00	ENTEK_01656	ENTEK_01704
RX00118	NewCastle Upon Tyne 2006 Full Year Sales	00/00/06	Entek_016581	Entek_016588
RX00119	NewCastle Upon Tyne 2007 Year to Dates Sales (December)	00/00/07	Entek_016704	Entek_016711
RX00116	Customer Location Contracts	00/00/03	Entek_017005	Entek_17010
RX00115	Competitive Threats	00/00/03	ENTEK_017522	ENTEK_017534
RX00126	Presentation	00/00/00	Entek_018606	Entek_18620
RX00149	Email Weerts to Humphrey Re; Daramic HD	08/30/07	Entek_022786	Entek_022790
RX00357	Article re Daramic HD Separators	00/00/00	ENTEK_022787	ENTEK_022790

March 31, 2009
Page 6

RX01514	Enekt Net Sales March 2008	03/00/2008	ENTEK_024043	ENTEK_024052
RX00358	Affidavit of Dan Weerts	06/24/08	ENTEK_024053	ENTEK_024058
RX01015	Email from Keith re: Industrial Separators	08/24/07	Entek_024080	Entek_024080
RX00131	Memorandum of Understanding	04/30/07	ENTEK-009787	ENTEK-010181
RX00111	Subpoena Ad Testificandum to ENTEK	12/10/08		

Trial Ex. No.	Description	Date	Begin Doc. No.	End Doc No.
RX00114	Response to Interrogatory Specifications	05/15/08	FTC-ENTK-000056	FTC-ENTK-000189
RX00117	Entek Sales - 2006	00/00/06	FTC-ENTK-000551	FTC-ENTK-000562
RX00112	Affidavit of Dan Weerts	06/24/08	FTC-ENTK-000993	FTC-ENTK-000998
RX00113	Affidavit of Dan Weerts	07/03/08	FTC-ENTK-001003	FTC-ENTK-001009

Sincerely yours,

Eric D. Welsh / BRW

Eric D. Welsh

EDW/brw

Exhibit

3

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LATHAM & WATKINS^{LLP}

December 22, 2008

VIA EMAIL

Eric D. Welsh
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Charlotte, NC 28202

FIRM / AFFILIATE OFFICES

Abu Dhabi	Munich
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Dubai	Paris
Frankfurt	Rome
Hamburg	San Diego
Hong Kong	San Francisco
London	Shanghai
Los Angeles	Silicon Valley
Madrid	Singapore
Milan	Tokyo
Moscow	Washington, D.C.

File No. 030380-0007

Re: In the Matter of Polypore International, Inc., Case No. 9327

Dear Eric:

This letter, if countersigned by you, modifies the subpoena *duces tecum* served on ENTEK International LLC ("ENTEK") by Polypore International, Inc. ("Polypore") on November 6, 2008 ("Subpoena") and constitutes an agreement ("Agreement") between Polypore and ENTEK (jointly, the "parties"), resolving all discovery issues and disputes raised in connection with the Subpoena. The Agreement affords additional protection to documents and other information to be produced by ENTEK in response to the Subpoena ("ENTEK Information"), and at the same time ensures that a group of outside counsel and advisors to Polypore, defined below, will obtain access to ENTEK Information that Polypore requires for its defense in a timely manner. The Agreement shall not limit Polypore's right to interview or seek relevant deposition testimony from ENTEK personnel, or additional ENTEK Information if Polypore believes that the ENTEK Information produced fails to respond to the level of inquiry described in this letter. Correspondingly, ENTEK reserves its right to object to such requests.

I. General Agreements

(1) Date cutoff: The default date cut off for the Subpoena is January 1, 2003.

(2) Disclosure Group and Michael L. Shor: Disclosure of ENTEK Information is limited to the following individuals: (a) outside antitrust litigation counsel, i.e., Parker Poe Adams & Bernstein LLP ("Parker Poe") attorneys staffed on the matter; (b) outside antitrust economists (e.g., CRAI, CompassLexecon, LECG, Brattle Group) retained by Polypore as consultants or testifying experts for purposes of this litigation ("Economic Experts"); (c) Approved Industry Experts as defined in paragraph (5) below; (d) Administrative Law Judge presiding over this proceeding, personnel assisting the Administrative Law Judge, the Commission and its employees, and antitrust economists retained by the Commission as experts or consultants for this proceeding; (e) judges and other court personnel of any court having jurisdiction over any

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appellate proceedings involving this matter; (f) court reporters in this matter; (g) any ENTEK witness or deponent who may have authored or received the ENTEK Information; and (h) any other person(s) to whom ENTEK agrees to in writing. Each individual member of the Disclosure Group identified in (2)(a)(b)(c) and (h) shall sign and return a copy of this letter to Brett Collins, Esq., LATHAM & WATKINS LLP, 505 Montgomery Street, San Francisco, CA 94111 (brett.collins@lw.com) prior to accessing any ENTEK Information. For purposes of clarification, Michael L. Shor is not a member of the Disclosure Group, and no ENTEK Information may be shared, disclosed, or made available in any way, directly or indirectly, to him.

(3) Access to ENTEK Information: In order to prevent disclosure of ENTEK Information to Polypore beyond the Disclosure Group, as defined in (2) above, all ENTEK Information shall only be maintained in and accessed from the offices of Parker Poe, those of the Economic Experts and/or those of the Approved Industry Experts (together, the "Restricted Locations"). In the event that ENTEK Information is imported into a document review system, such ENTEK Information shall be accessed only from terminals located in a Restricted Location. Access to any document review system shall be password protected. The distribution of passwords shall be limited to members of the Disclosure Group. No ENTEK Information may be removed from the Restricted Locations except as necessary to transfer ENTEK Information from one Restricted Location to another (e.g., from Parker Poe to the Economic Experts). ENTEK Information that will be used as exhibits at depositions, hearings or trial may be removed from the Restricted Locations for that purpose only and, after use, must be returned to a Restricted Location. For purposes of clarification, Polypore may provide the Commission with a copy of ENTEK Information produced in response to the Subpoena as required by the Scheduling Order, dated October 22, 2008.

(4) Return of ENTEK Information: Upon the completion of the present proceedings and any related appeal, the Disclosure Group shall return all ENTEK Information obtained in this action to ENTEK and no copies may be maintained.

(5) Industry experts: Should Polypore retain industry experts – as opposed to Economic Experts – in connection with this proceeding and wish to disclose ENTEK information to such experts, Polypore shall notify ENTEK of its intent and identify the industry expert(s) to whom it wishes to disclose such information along with sufficient information about the proposed expert(s) to permit ENTEK to ascertain whether the proposed expert is acceptable (including, but not limited to, a curriculum vitae). Moreover, and to the same end, Polypore shall at ENTEK's request make any proposed industry expert(s) available for one telephone interview not to exceed one (1) hour. Any industry expert shall not have been employed by Polypore and shall not be employed by Polypore or provide consulting services to Polypore (outside of the present matter) for a period of two (2) years after the final resolution of this proceeding. For purposes of clarification, the industry expert must under no circumstances disclose ENTEK Information to anyone outside of the Disclosure Group. ENTEK shall have the opportunity to file a motion for protective order with the Administrative Law Judge, seeking to stop disclosure of ENTEK Information to the noticed industry expert(s) within (10) business days of receipt of the notice. In the event that ENTEK does not seek a protective order, the noticed expert(s) shall be considered approved after expiration of the ten (10) business day period or written approval notice from ENTEK, whichever is earlier ("Approved Industry Experts").

LATHAM & WATKINS LLP

(6) No waiver of privilege: For purposes of clarification, the parties do not interpret this Agreement as requiring ENTEK to waive its right to withhold from production any information protected from discovery by the attorney-client privilege, the work product doctrine, the common interest doctrine or any other applicable discovery privilege or exemption.

(7) Remedies: The parties acknowledge and agree that breach of the General Agreements may cause irreparable injury to ENTEK for which monetary damages are not a sufficient remedy. Accordingly, ENTEK may seek injunctive relief and any other available equitable remedies to enforce these provisions without posting a bond if otherwise required by law. For purposes of clarification, this provision in no way limits ENTEK's rights to seek monetary, including punitive damages for breach of this agreement and/or improper disclosure of ENTEK Information from Polypore, Parker Poe, the Economic Experts, and other natural persons or entities as the case may be. Moreover, this Agreement shall in no way limit ENTEK's rights under the Protective Order dated October 23, 2008.

II. Agreements With Respect to Specific Requests

Request Nos. 1 and 2: ENTEK shall produce a written response listing all products in development by ENTEK or any Third Party to compete with Polypore lead acid battery separators.

Request No. 3 and 4: ENTEK shall produce a written response listing manufacturing or production facilities for lead acid battery separators in which ENTEK maintains any direct or indirect ownership interest. The written response shall include the following information: (a) the capital expenditure for the construction and start-up or expansion of such facility, (b) the date on which plans for such facility or expansion of such facility were approved, (c) the date on which construction began on such facility, (d) the date of commissioning or startup of such facility, (e) the production capacity of such facility, (f) the type of product(s) produced at such facility, (g) the anticipated end use(s) of the products manufactured at such facility, (h) the technology used at such facility to manufacture lead acid battery separators and (i) the cost of the lead acid battery separators manufactured and sold at such facility, including without limitation the cost of manufacturing and selling such products, including shipping costs.

Request No. 5: ENTEK shall produce copies of responsive documents from the files of Dan Weerts, Vice President of Sales & Marketing, Graeme Fraser-Bell, Vice President International Sales, and Greg Humphrey, North & South America Account Manager, on the basis of a list of specific search terms to be agreed upon by the parties.

Request No. 6: ENTEK shall produce copies of the supply agreements and proposals for supply agreements, excluding drafts, between ENTEK and (a) JCI, (b) Exide, (c) EnerSys, (d) East Penn, (e) Crown, (f) Trojan, (g) US Battery, (h) C&D, or (i) any other entity manufacturing lead acid batteries for sale in North America, for the sale by ENTEK to such entity of lead acid battery separators.

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Request Nos. 7-8, 10-13: ENTEK shall produce documents sufficient to show the information sought by these requests.

Request Nos. 14-16: ENTEK shall produce a written response reflecting the information sought.

Request Nos. 9, 17, 25, 29: ENTEK shall produce documents sufficient to show the information sought by these requests.

Request Nos. 18-23, 27: ENTEK shall produce written responses reflecting information sought by these requests.

Request No. 24: Polypore has withdrawn this request.

Request Nos. 26, 35: ENTEK shall produce documents sufficient to show the information sought by these requests.

Request No. 28: ENTEK shall produce documents sufficient to show customer testing or qualification of any lead acid battery separator produced by ENTEK.

Request Nos. 30, 33, 34 and 36-38: ENTEK shall produce documents in response to these requests.

Request Nos. 31 and 32: ENTEK shall produce documents sufficient to show the information sought by these requests.

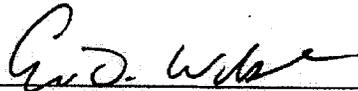
Request Nos. 39 and 40: ENTEK shall produce documents in response to these requests.

ENTEK will seek reimbursement for costs incurred in connection with the search for and production of the materials requested by Polypore.

Best regards,



Darius Ogloza
of LATHAM & WATKINS LLP
Counsel for ENTEK International LLC



Eric D. Welsh
of PARKER POE ADAMS & BERNSTEIN LLP
Counsel for Polypore International, Inc.

cc: Hanno F. Kaiser

LATHAM & WATKINS LLP

Disclosure Group Signatures

Name
Affiliation
Date

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

**DECLARATION OF BRETT D. COLLINS IN SUPPORT
OF ENTEK INTERNATIONAL LLC'S MOTION FOR *IN CAMERA*
TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED
AS CONFIDENTIAL PURSUANT TO 16 C.F.R § 3.45(b)**

I, Brett D. Collins, under penalty of perjury, declare that the following is true and correct to the best of my knowledge:

1. I am an attorney duly licensed to practice before the courts of the States of California and Illinois. I am an associate with the law firm of Latham & Watkins LLP, legal counsel for ENTEK International LLC ("ENTEK"). I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. On April 8, 2009, I spoke with Eric Welsh of Parker Poe Adams & Bernstein LLP, legal counsel for Respondent Polypore International, Inc. ("Polypore"). I informed him that ENTEK intended to file a motion seeking *in camera* treatment over several documents that the Federal Trade Commission and Polypore had designated as proposed trial exhibits. He said that Polypore would not object to ENTEK's motion for *in camera* treatment.

3. On April 8, 2009, I spoke with Steven Dahm of the Federal Trade

Commission ("Commission"). I informed him that ENTEK intended to file a motion seeking *in camera* treatment over several documents that the Federal Trade Commission and Polypore had designated as proposed trial exhibits. Mr. Dahm confirmed via email that the Commission would not oppose ENTEK's motion for *in camera* treatment.

4. Attached hereto as Exhibit 1 is a true and accurate copy of the email sent from Steven A. Dahm to Brett Collins, dated April 8, 2009 at 12:47 PM, regarding In re Matter of Polypore International, Inc. – ENTEK's list of documents for *in camera* treatment.

I declare, under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed this 8th day of April 2009, in San Francisco, California.

By 
Brett D. Collins
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Telephone: +1.415.395.8856
Facsimile: +1.415.395.8095
hanno.kaiser@lw.com

Attorney for ENTEK International LLC

Exhibit

1

Collins, Brett (SF)

From: Dahm, Steven A. [sdahm@ftc.gov]
Sent: Wednesday, April 08, 2009 12:47 PM
To: Collins, Brett (SF)
Cc: Kaiser, Hanno (SF)
Subject: RE: In re Matter of Polypore International, Inc. - ENTEK's list of documents for in camera treatment

Brett,

Based on our review of the list of documents that you provided for which you propose to seek *in camera* review, we will not oppose your motion for *in camera* treatment.

Thanks,

Steven A. Dahm
Attorney, Mergers II (1032), Bureau of Competition
Federal Trade Commission
Room 6147
601 New Jersey Avenue, N.W.
Washington, DC 20001
(202) 326-2192

From: Brett.Collins@lw.com [mailto:Brett.Collins@lw.com]
Sent: Wednesday, April 08, 2009 2:06 PM
To: Dahm, Steven A.
Cc: Hanno.Kaiser@lw.com
Subject: In re Matter of Polypore International, Inc. - ENTEK's list of documents for in camera treatment

Steve,

Thank you for your call. As we discussed over the phone, ENTEK will be seeking *in camera* treatment of the documents listed in the attached document. Please let us know whether the FTC intends to oppose ENTEK's motion. Thank you.

Best regards,
Brett

Brett D. Collins

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Latham & Watkins LLP

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

Polypore International, Inc.
a corporation.

CASE NO. 9327

PUBLIC DOCUMENT

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 505 Montgomery Street, Suite 2000, San Francisco, CA 94111-6538.

On April 8, 2009, I served the following documents described as:

- THIRD PARTY ENTEK INTERNATIONAL LLC'S MEMORANDUM IN SUPPORT OF MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R. § 3.45(b)
- DECLARATION OF DAN WEERTS IN SUPPORT OF ENTEK INTERNATIONAL LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R. § 3.45(b) [**PUBLIC VERSION**]
- DECLARATION OF DAN WEERTS IN SUPPORT OF ENTEK INTERNATIONAL LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R. § 3.45(b) [*IN CAMERA VERSION – ELECTRONIC COPY NOT DELIVERED VIA EMAIL*]
- THIRD PARTY ENTEK INTERNATIONAL LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R. § 3.45(b)
- DECLARATION OF HANNO F. KAISER IN SUPPORT OF ENTEK INTERNATIONAL LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 15 C.F.R. § 3.45(b)
- DECLARATION OF BRETT D. COLLINS IN SUPPORT OF ENTEK INTERNATIONAL LLC'S MOTION FOR *IN CAMERA* TREATMENT OF DOCUMENTS PREVIOUSLY DESIGNATED AS CONFIDENTIAL PURSUANT TO 16 C.F.R. § 3.45(b)
- PROPOSED ORDER

by serving a true copy of the above-described documents in the following manner:

BY ELECTRONIC MAIL

The above-described document was transmitted via electronic mail to the following party on January 9, 2009:

Donald S. Clark, Secretary
Office of the Secretary
Federal Trade Commission
secretary@ftc.gov

Robert Robertson, Esq.
Federal Trade Commission
rrobertson@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
oalj@ftc.gov

J. Steven Dahm, Esq.
Federal Trade Commission
sdahm@ftc.gov

William L. Rikard, Jr.
Parker Poe Adams & Bernstein LLP
williamrikard@parkerpoe.com

Eric D. Welsh
Parker Poe Adams & Bernstein LLP
ericwelsh@parkerpoe.com

The party on whom this electronic mail has been served has agreed in writing to such form of service pursuant to agreement.

BY OVERNIGHT MAIL DELIVERY

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for overnight mail delivery by Express Mail or other express service carrier. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained for receipt of overnight mail by Express Mail or other express service carrier; such documents are delivered for overnight mail delivery by Express Mail or other express service carrier on that same day in the ordinary course of business, with delivery fees thereon fully prepaid and/or provided for. I deposited in Latham & Watkins LLP' interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for overnight mail delivery by Express Mail or other express service carrier:

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

(Original + 2 copies)

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

(2 copy)

Robert Robertson, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

(1 copy)

J. Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

(1 copy)

William L. Rikard, Jr.
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tyson St., Suite 3000
Charlotte, NC 28202

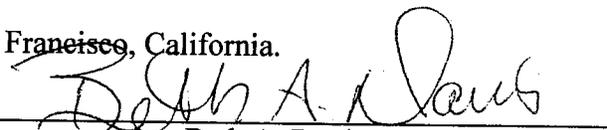
(1 copy)

Eric D. Welsh
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tyson St., Suite 3000
Charlotte, NC 28202

(1 copy)

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 8, 2009, at San Francisco, California.


Beth A. Davis