



take judicial notice of filing made with the Securities and Exchange Commission under F.R.E. 201(b)).

As the Court will recall, Respondent presented the testimony of Mr. James Douglas, Executive Vice President of Douglas Battery, during the hearing on June 4, 2009 regarding, among other things, the consolidation that has occurred in the battery manufacturing industry in the United States. Respondent presented additional evidence to this Court regarding the consolidation of the battery manufacturing industry and EnerSys' size and position therein as a power buyer.

Respondent respectfully submits that the attached is relevant to these issues. Respondent further respectfully submits that EnerSys' purchase of Douglas Battery's industrial battery business, announced on January 14, 2010, is not subject to reasonable dispute in that such fact is capable of accurate and ready determination by resort to a review of EnerSys' filings made with the SEC whose accuracy cannot be reasonably questioned. *See In re Basic Research, LLC*, 2005 WL 3366978 (F.T.C. Dec. 5, 2005).

Respondent's Counsel conferred with Complaint Counsel over the telephone on January 20, 2010 regarding this motion, and Complaint Counsel has stated that while he does not object to Respondent's filing this motion, he does not agree that the matter contained therein is relevant to matters before the Court.

#### CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court take official notice of the recent acquisition of Douglas Battery by EnerSys as set forth in the attached Form 8-K.

Dated: January 20, 2010

Respectfully Submitted,



William L. Rikard, Jr.

Eric D. Welsh

**PARKER POE ADAMS & BERNSTEIN LLP**

Three Wachovia Center

401 South Tryon Street, Suite 3000

Charlotte, NC 28202

Telephone: (704) 372-9000

Facsimile: (704) 334-4706

[williamrikard@parkerpoe.com](mailto:williamrikard@parkerpoe.com)

[ericwelsh@parkerpoe.com](mailto:ericwelsh@parkerpoe.com)

John F. Graybeal

**PARKER POE ADAMS & BERNSTEIN LLP**

150 Fayetteville Street

Raleigh, NC 27602

Telephone: (919) 835-4599

Facsimile: (919) 828-0564

[johngraybeal@parkerpoe.com](mailto:johngraybeal@parkerpoe.com)

*Attorneys for Respondent*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2010, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing *Respondent's Motion for Official Notice of Recent Acquisition of Douglas Batter by Enersys (Public)* and that the electronic copy is a true and correct copy of the paper original and that a paper copy with an original signature is being filed with:

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

I hereby certify that on January 21, 2010, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing *Respondent's Motion for Official Notice of Recent Acquisition of Douglas Batter by Enersys (Public)* upon:

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

I hereby certify that on January 21, 2010, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Respondent's Motion for Official Notice of Recent Acquisition of Douglas Batter by Enersys (Public)* upon:

J. Robert Robertson, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[rrobertson@ftc.gov](mailto:rrobertson@ftc.gov)

Steven Dahm, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[sdahm@ftc.gov](mailto:sdahm@ftc.gov)



---

Brian R. Weyhrich  
Parker Poe Adams & Bernstein LLP  
Three Wachovia Center  
401 South Tryon Street, Suite 3000  
Charlotte, NC 28202  
Telephone: (704) 372-9000  
Facsimile: (704) 334-4706

# Exhibit A

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**  
Washington, D.C. 20549

**Form 8-K**

**CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

**Date of Report (Date of earliest event reported): 01/14/2010**

**EnerSys**

(Exact name of registrant as specified in its charter)

**Commission File Number: 1-32253**

**Delaware**  
(State or other jurisdiction of  
incorporation)

**23-3058564**  
(IRS Employer  
Identification No.)

**2366 Bernville Road, Reading, Pennsylvania 19605**  
(Address of principal executive offices, including zip code)

**(610) 208-1991**  
(Registrant's telephone number, including area code)

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
-

**Item 7.01. Regulation FD Disclosure**

On January 14, 2010, EnerSys issued a press release announcing the purchase of certain assets and assumption of certain liabilities, of the Douglas Battery Manufacturing Company. For additional information, reference is made to the press release, which is attached hereto as Exhibit 99.1 and incorporated herein by reference.

**Item 9.01. Financial Statements and Exhibits**

99.1 Press Release, dated January 14, 2010, of EnerSys regarding the Douglas Battery Manufacturing Company transaction.

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

EnerSys

Date: January 14, 2010

By: /s/ Richard W. Zuidema

---

Richard W. Zuidema  
Executive Vice President - Administration &  
Secretary

**EXHIBIT INDEX**

<b><u>Exhibit No.</u></b>	<b><u>Description</u></b>
EX-99.1	Press Release, dated January 14, 2010, of EnerSys regarding the Douglas Battery Manufacturing Company transaction.

**EnerSys Purchases Industrial Battery Business from Douglas Battery Manufacturing Co.**

Reading, Pa., January 14, 2010 - EnerSys® (NYSE: ENS), the world's largest manufacturer, marketer and distributor of industrial batteries, announced that it has purchased the industrial battery business of Douglas Battery Manufacturing Co., headquartered in Winston-Salem, North Carolina for an undisclosed sum. Douglas Battery, which has been manufacturing and selling industrial batteries and chargers since 1960, has a strong customer base with well developed marketing and distribution channels, which EnerSys plans to keep intact.

"The extensive breadth of EnerSys' product and service offerings is further enhanced by the purchase of Douglas Battery's industrial battery business," said John D. Craig, chairman, president and chief executive officer of EnerSys. "As we have demonstrated with our previous acquisitions, our strategy is to continue to build quality market share by acquiring companies which will produce solid results. The acquisition of Douglas Battery, combined with our recent acquisition of Oerlikon Battery, based in Switzerland, and our investment in Altery Systems, a developer and manufacturer fuel cells, are projected to generate over \$100 million annually in new revenues for EnerSys. "

EnerSys will maintain the Douglas Battery brand and designs for the line of industrial batteries and chargers, and will retain the existing sales team, manufacturer's representatives and distributors. Douglas Battery Manufacturing Co. President Charles T. Douglas will become the Douglas Battery brand's vice president of sales for EnerSys.

"Our family and employees have worked hard since the 1920s to establish the Douglas Battery brand as one of high-quality products and service," Douglas said. "I am very pleased that EnerSys will continue to use our brands and battery designs, and I am confident that the brand's high standards will be maintained."

**ABOUT ENERSYS**

EnerSys, the world leader in stored energy solutions for industrial applications, manufactures and distributes reserve power and motive power batteries, chargers, power equipment, and battery accessories to customers worldwide. Motive power batteries are utilized in electric fork trucks and other commercial electric powered vehicles. Reserve power batteries are used in the telecommunications and utility industries, uninterruptible power suppliers, and numerous applications requiring standby power. The Company also provides aftermarket and customer support services to its customers from more than 100 countries through its sales and manufacturing locations around the world. More information regarding EnerSys can be found at [www.enersys.com](http://www.enersys.com).

**ABOUT DOUGLAS BATTERY**

Prior to this transaction with EnerSys, Douglas Battery was one of the largest, privately owned battery manufacturers in the United States. Since 1921, Douglas Battery had maintained the reputation of producing and delivering the highest quality products in the industry, and has remained a customer-focused company that anticipates and responds to customers' needs. More information regarding Douglas Battery can be found at [www.douglasbattery.com](http://www.douglasbattery.com).

**Caution Concerning Forward-Looking Statements**

This press release (and oral statements made regarding the subjects of this release) contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. These forward-looking statements may include, but are not limited to, (i) statements regarding EnerSys' plans, objectives, expectations and intentions and other statements contained in this press release that are not historical facts, including statements identified by words such as "expects," "anticipates," "intends," "plans," "believes," "seeks," "estimates," "will" or words of similar meaning; and (ii) statements about the benefits of the acquisition of the Douglas Battery or Oerlikon Battery businesses or the

investment in Altery Systems, including any impact on our financial and operating results and estimates, and any impact on EnerSys' market position that may be realized from the acquisition.

These forward-looking statements are based upon management's current beliefs or expectations and are inherently subject to significant business, economic, and competitive uncertainties and contingencies many of which are beyond our control. Accordingly, EnerSys cannot guarantee their accuracy. The following factors, among others, could cause actual results to differ materially from those described in the forward-looking statements: (1) our ability to successfully integrate the Douglas Battery or Oerlikon Battery businesses; (2) the possibility that EnerSys may not realize revenue benefits from the acquired businesses within expected time frames; (3) operating costs and business disruption following the acquisition, including possible adverse effects on relationships with employees, may be greater than expected; and (4) competition may adversely affect the acquired businesses and result in customer loss. For a list of other factors which could affect EnerSys' results, including earnings estimates, see EnerSys' filings with the Securities and Exchange Commission, including "Item 2. Management's Discussion and Analysis of Financial Condition and Results of Operations," including "Forward-Looking Statements," set forth in EnerSys' Quarterly Report on Form 10-Q for the fiscal quarter ended September 27, 2009. The statements in this press release are made as of the date of this press release, even if subsequently made available by EnerSys on its website or otherwise. EnerSys does not undertake any obligation to update any forward-looking statement to reflect circumstances or events that occur after the date such forward-looking statement is made. No undue reliance should be placed on any forward-looking statements.

For more information, contact Richard Zuidema, Executive Vice President, EnerSys, P.O. Box 14145, Reading, PA 19612-4145, USA. Tel: 800-538-3627; Website: <http://www.enersys.com>.