

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

Docket No. 9327
PUBLIC

**COMPLAINT COUNSEL'S MOTION FOR OFFICIAL NOTICE OF NEW CONTRACT
AGREEMENT BETWEEN POLYPORE AND EXIDE TECHNOLOGIES INC.**

Pursuant to FTC Rule 3.43(d), Complaint Counsel requests this Court to take official notice of the recent signing of a supply agreement¹ between Exide Technologies Inc. and Respondent, Polypore International. The consummation of this agreement was announced in an 8K filing made by Respondent to the United States Securities and Exchange Commission ("SEC").

On January 19, 2010, Respondent filed its 8K, and made a public announcement of the supply agreement the same day. The accompanying press release to this 8K states, "Polypore's Daramic business unit will supply the majority of Exide Technologies' (NASDAQ: XIDE) lead-acid battery separators on a global basis."²

This Court may, pursuant to Rule 3.43(d) take official notice of filings made with the SEC, as such filings constitute facts "capable of accurate and ready determination" from a source

¹ Complaint Counsel has attempted to obtain a copy of this new supply agreement from Respondent, but its requests were denied.

² See Exhibit A (8K with accompanying press release).

“whose accuracy cannot reasonably be questioned.”³ See *Oran v. Stafford*, 226 F.3d 275, 289 (3d Cir. 2000).

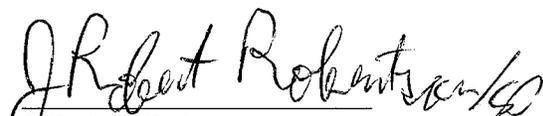
Complaint Counsel and Respondent have conferred by telephone on January 26, 2010 regarding this motion. Respondent indicated that it will file a response to this motion.

CONCLUSION

Complaint Counsel requests that this Court take official notice of the recent supply agreement between Exide Technologies Inc. and Polypore International, as referenced in Respondent’s 8K filing (Exhibit A to this motion).

Dated: January 26, 2010

Respectfully submitted,



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

³ F.R.E. 201(b)(2). This section of the Federal Rules of Evidence has been recognized as the direct analog to the Commission Rule of Practice 3.43(d). See, e.g., *In re Rambus*, 2003 WL 22064718 (FTC Aug. 27, 2003) (Order on Respondent’s Request for Official Notice).

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) **PUBLIC DOCUMENT**
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STATEMENT PURSUANT TO SCHEDULING ORDER

I, Steven A. Dahm, Esq., on behalf of Complaint Counsel, hereby represent that Complaint Counsel has conferred with Respondent in an effort in good faith to resolve by agreement the issues raised by the instant Motion and have been unable to reach such an agreement. Complaint Counsel and Respondent discussed these issues January 25, 2010 and on January 26, 2010. As a result of these communications, Complaint Counsel and Respondent are at an impasse with respect to the issue raised in Complaint Counsel's Motion.

Dated: January 26, 2010

Respectfully submitted,



Steven A. Dahm
Bureau of Competition
Federal Trade Commission
601 New Jersey Ave. N.W.
Washington, DC 20580
Telephone: (202) 326-2192
Facsimile: (202) 326-2071

Exhibit A

to

**Complaint Counsel's Motion for
Official Notice of New Contract Agreement between
Polypore and Exide Technologies Inc.**

**Polypore International, Inc.
Docket No. 9327**

POLYPORE INTERNATIONAL, INC.

FORM 8-K (Current report filing)

Filed 01/19/10 for the Period Ending 01/19/10

CIK	0001292556
Symbol	PPO
SIC Code	2890 - Miscellaneous Chemical Products
Industry	Chemical Manufacturing
Sector	Basic Materials
Fiscal Year	12/31

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 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): January 19, 2010

POLYPORE INTERNATIONAL, INC.

(Exact Name of Registrant as Specified in Its Charter)

Delaware

(State or Other Jurisdiction of Incorporation)

1-32266

(Commission File Number)

43-2049334

(IRS Employer Identification No.)

11430 North Community House Road, Suite 350, Charlotte, North
Carolina

(Address of Principal Executive Offices)

28277

(Zip Code)

(704) 587-8409

(Registrant's Telephone Number, Including Area Code)

Not Applicable

(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 8.01. Other Events.

On January 19, 2010, Polypore International, Inc. issued a press release announcing that its wholly-owned subsidiary, Daramic, LLC, entered into a new evergreen supply agreement with Exide Technologies. A copy of the press release is furnished as Exhibit 99.1 to this Current Report on Form 8-K.

Item 9.01. Financial Statements and Exhibits.

(d) *Exhibits* .

<u>Exhibit No.</u>	<u>Description</u>
99.1	Press Release of Polypore International, Inc. dated January 19, 2010.

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.

POLYPORE INTERNATIONAL, INC.
(Registrant)

Date: January 19, 2010

By: /s/ Lynn Amos
Lynn Amos
Chief Financial Officer



Polypore International, Inc.
The Gibson Building
11430 North Community House Road
Suite 350
Charlotte, NC 28277
Tel: (704) 587-8408
Fax: (704) 587-8752
www.polypore.net

Polypore Signs New Evergreen Supply Agreement with Exide

Charlotte, N.C., [January 19, 2010] — Polypore International, Inc. (NYSE: PPO) today announced a new evergreen supply agreement in which Polypore's Daramic business unit will supply the majority of Exide Technologies' (NASDAQ: XIDE) lead-acid battery separators on a global basis. This multi-year agreement continues a long-standing relationship between the two companies that has lasted over 40 years. The agreement automatically renews on the contract anniversary date unless either party provides substantial advance notice of termination under the terms of the contract.

Bob Toth, President and Chief Executive Officer of Polypore, noted, "We are pleased to remain the major supplier to one of the world's largest and leading battery producers. We are very committed to the ongoing success and growth of Exide Technologies and look forward to supporting their needs throughout the world."

About Polypore International, Inc.

Polypore International, Inc. is a global high technology filtration company specializing in microporous membranes. Polypore's flat sheet and hollow fiber membranes are used in specialized applications that require the removal or separation of various materials from liquids, primarily in the ultrafiltration and microfiltration markets. Based in Charlotte, NC, Polypore International, Inc. is a market leader with manufacturing facilities or sales offices in ten countries serving six continents. See www.polypore.net.

Forward-Looking Statement

This release contains statements that are forward-looking in nature. Statements that are predictive in nature, that depend upon or refer to future events or conditions or that include words such as "expects," "anticipates," "intends," "plans," "believes," "estimates," and similar expressions are forward-looking statements. These statements involve known and unknown risks, uncertainties and other factors that may cause our actual results and performance to be materially different from any future results or performance expressed or implied by these forward-looking statements. These factors include the following: the highly competitive nature of the markets in which we sell our products; the failure to continue to develop innovative products; the loss of our customers; the vertical integration by our customers of the production of our products into their own manufacturing process; increases in prices for raw materials or the loss of key supplier contracts; our substantial indebtedness; interest rate risk related to our variable rate indebtedness; our inability to generate cash; restrictions related to the senior secured credit facilities; employee slowdowns, strikes or similar actions; product liability claims exposure; risks in connection with our operations outside the United States; the incurrence of substantial costs to comply with, or as a result of violations of, or liabilities under, environmental laws; the failure to protect our intellectual property; the failure to replace lost senior management; the incurrence of additional debt, contingent liabilities and expenses in connection with future acquisitions; the adverse impact on our financial condition from

past restructuring activities; the failure to effectively integrate newly acquired operations; the absence of expected returns from the amount of intangible assets we have recorded; and natural disasters, epidemics, terrorist acts and other events beyond our control. Additional information concerning these and other important factors can be found in Item 1A. "Risk Factors" of our most recent Annual Report on Form 10-K and subsequent reports filed with the Securities and Exchange Commission. Such forward-looking statements speak only as of the date of this press release. Polypore expressly disclaims any obligation to release publicly any updates or revisions to any forward-looking statements contained herein to reflect any change in Polypore's expectations with regard thereto or change in events, conditions or circumstances on which any statement is based.

CONTACT:

Polypore Investor Relations

(704) 587-8886

investorrelations@polypore.net

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2010, I filed via hand and electronic mail delivery an original and two copies of the foregoing Complaint Counsel's Motion for Official Notice of New Contract Agreement between Polypore and Exide Technologies Inc. with:

Donald S. Clark, Secretary
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Rm. H-159
Washington, DC 20580

I hereby certify that on January 26, 2010, I filed via hand delivery two copies of the foregoing Complaint Counsel's Motion for Official Notice of New Contract Agreement between Polypore and Exide Technologies Inc. with:

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

I hereby certify that on January 26, 2010, I filed via electronic mail delivery a copy of the foregoing Complaint Counsel's Motion for Official Notice of New Contract Agreement between Polypore and Exide Technologies Inc. with:

William L. Rikard, Jr.
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By: 

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lcunningham@ftc.gov

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

Polypore International, Inc.
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) **Docket No. 9327**
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PROPOSED ORDER

Upon consideration of Complaint Counsel's Motion for official Notice pursuant to 16 C.F.R. §3.43(d) and Respondent's response thereto, and the Court being fully informed, it is this ____ day of _____, 2010, hereby ORDERED, that the Motion is GRANTED.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Date: