

ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

Docket No. 9327

Public Document

RESPONDENT'S MOTION TO AMEND THE SCHEDULING ORDER

Respondent Polypore International, Inc. ("Polypore") respectfully moves this Court to amend the Scheduling Order in this proceeding to extend by one month all remaining deadlines set forth in the Scheduling Order, and to set the commencement date of the hearing on May 14, 2009. A Memorandum in Support of Respondent's Motion to Amend the Scheduling Order and a proposed revised scheduling order are submitted herewith.

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PROPOSED REVISED SCHEDULING ORDER

November 12, 2008	Complaint Counsel provides preliminary witness list (not including experts) with description of proposed testimony.
November 14, 2008	Respondent's Counsel provides preliminary witness lists (not including experts) with description of proposed testimony.
December 16, 2008	Complaint Counsel provides expert witness list.
December 18, 2008	Respondent's Counsel provides expert witness list.
January 6, 2009	Complaint Counsel provides revised witness lists, including preliminary rebuttal witnesses, with description of proposed testimony.
January 8, 2009	Respondent's Counsel provides revised witness list, including preliminary sur-rebuttal witnesses, with description of proposed testimony.
January 14, 2009	Deadline for issuing document requests, requests for admission, interrogatories and subpoenas <i>duces tecum</i> , except for discovery for purposes of authenticity and admissibility of exhibits.
March 13, 2009	Close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
March 13, 2009	Complaint Counsel provides expert witness reports.
March 17, 2009	Deadline for filing motions for summary decision.
March 20, 2009	Respondent's Counsel provides expert witness reports.
March 20, 2009	Complaint Counsel provides to Respondent's counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for

demonstrative, illustrative or summary exhibits), and a brief summary of the testimony of each witness.

Complaint Counsel serves courtesy copies on ALJ of its final proposed witnesses and exhibit lists and a brief summary of the testimony of each witness.

- March 27, 2009 Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondent's expert reports. If material outside the scope of fair rebuttal is presented, Respondent will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit sur-rebuttal expert reports on behalf of Respondent).
- March 27, 2009 Respondent's Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition and copies of all exhibits (except for demonstrative, illustrative or summary exhibits), and a brief summary of the testimony of each witness.
- Respondent's Counsel serves courtesy copies of ALJ its final proposed witness and exhibit lists and a brief summary of the testimony of each witness.
- March 27, 2009 Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. §3.45(b).
- April 3, 2009 Deadline for filing responses to motions for summary decision.
- April 6, 2009 Deadline for depositions of experts (including rebuttal experts).
- April 9, 2009 Deadline for filing motions *in limine* and motions to strike (such motions shall be no longer than 2500 words).
- April 13, 2009 Deadline for filing motions for *in camera* treatment for proposed trial exhibits.
- April 20, 2009 Deadline for filing responses to motions *in limine* and motions to strike.
- April 20, 2009 Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- April 23, 2009 Complaint Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations.

Conclusions of law shall be supported by legal authority.

April 27, 2009 Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. Exchange objections to the designated testimony to be presented by deposition and counter designations.

April 30, 2009 Exchange proposed stipulations of law, facts, and authenticity.

May 7, 2009 Respondent's Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.

May 8, 2009 File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.

May 11, 2009 Final pre-hearing conference to be held at 10:00 a.m. to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts and authenticity and any designated deposition testimony. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or excluded to the extent practicable.

May 14, 2009 Commencement of Hearing, to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

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STATEMENT PURSUANT TO SCHEDULING ORDER

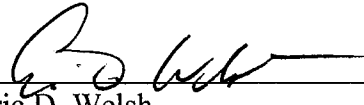
I, Eric D. Welsh, Esq., on behalf of Parker Poe Adams & Bernstein LLP (“Parker Poe”) as counsel for Polypore International, Inc. (“Polypore”), hereby represent that Parker Poe has conferred with Complaint Counsel in an effort in good faith to resolve by agreement the issues raised by Respondent’s Motion to Amend the Scheduling Order, and have been unable to reach such an agreement.

Parker Poe and Complaint Counsel discussed these issues by telephone on January 12, 2009 and January 14, 2009. During these calls, I was present for Parker Poe and Steven Dahm, Esq. and/or J. Robert Robertson, Esq., were present for Complaint Counsel.

As a result of these discussions it was concluded that Polypore and Complaint Counsel were at an impasse with respect to the issues raised in Polypore’s Motion.

Dated: January 16, 2009

Respectfully Submitted,



Eric D. Welsh

PARKER POE ADAMS & BERNSTEIN, LLP

Three Wachovia Center

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Charlotte, NC 28202

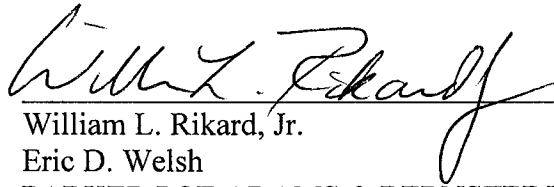
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Dated: January 16, 2009

Respectfully Submitted,



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Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing ***Respondent's Motion to Amend the Scheduling Order and Proposed Order***, 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 16, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing ***Respondent's Motion to Amend the Scheduling Order and Proposed Order*** upon:

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

I hereby certify that on January 16, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing ***Respondent's Motion to Amend the Scheduling Order and Proposed Order*** upon:

J. Robert Robertson, Esq.
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