

246865
544963

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

**RESPONDENT'S MOTION FOR LEAVE TO
FILE SUPPLEMENTAL AFFIDAVIT OF HARRY D. SEIBERT**

Pursuant to Rule 3.22 of the Rules of Practice, Respondent Polypore International, Inc. ("Polypore") respectfully moves for leave to file a supplemental affidavit of Harry D. Seibert in further support of Respondent's Reply Memorandum In Support Of Second Motion To Reopen the Hearing Record ("Reply Memorandum"). The proposed supplemental affidavit is being conditionally filed herewith as Exhibit A. In support of this motion, Respondent states as follows:

1. On October 2, 2009, Administrative Law Judge Chappell entered an Order Requiring Reply Brief ("Order"). The Order specified that a copy of Respondent's Reply Memorandum be submitted by electronic mail to the Office of the Administrative Law Judges no later than 5:00 p.m. on Wednesday, October 7, 2009.

2. At approximately 4:48 p.m. on Wednesday, October 7, 2009, Respondent electronically submitted its Reply Memorandum and the Affidavit of Harry D. Seibert in support thereof ("Affidavit") to the Office of the Administrative Law Judges.

3. After the Affidavit was prepared and executed, additional relevant information related to Exide Technologies, Inc. and the subject matter of the Affidavit arose. Because of the 5:00

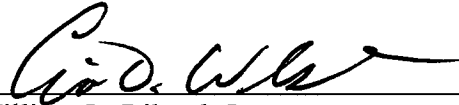
p.m. filing deadline, Respondent's counsel was not able to include this relevant information in the Affidavit filed on October 7, 2009.

4. This newly proffered information set forth in the supplemental affidavit (Exhibit A) is relevant and admissible for the reasons set forth in Respondent's Reply Memorandum In Support Of Second Motion To Reopen The Hearing Record.

5. Respondent's counsel has contacted Complaint Counsel, which has indicated that it does not consent to the requested relief.

Dated: October 9, 2009

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) 335-9689

williamrikard@parkerpoe.com

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

Attorneys for Respondent

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)

Docket No. 9327

Polypore International, Inc.)
a corporation)

PUBLIC DOCUMENT

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 the instant Motion and have been unable to reach such an agreement. Parker Poe and Complaint Counsel discussed these issues on October 9, 2009. As a result of these communications, Polypore and Complaint Counsel are at an impasse with respect to the issue raised in Respondent’s Motion.

Dated: October 9, 2009



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) 335-9689
ericwelsh@parkerpoe.com

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing *Motion For Leave to File Supplemental Affidavit and Proposed Supplemental Affidavit [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

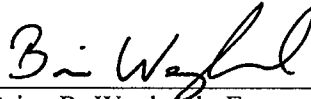
I hereby certify that on October 9, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing *Motion For Leave to File Supplemental Affidavit and Proposed Supplemental Affidavit [Public]* upon:

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 October 9, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Motion For Leave to File Supplemental Affidavit and Proposed Supplemental Affidavit [Public]* upon:

J. Robert Robertson, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
rrobertson@ftc.gov

Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sdahm@ftc.gov



Brian R. Weyhrich, Esq.
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 335-9534
Facsimile: (704) 335-9776

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of _____)

Docket No. 9327

_____)
_____)
_____)
Polypore International, Inc.)
a corporation)

PUBLIC DOCUMENT

**PROPOSED ORDER GRANTING RESPONDENT'S MOTION
FOR LEAVE TO FILE SUPPLEMENTAL AFFIDAVIT OF HARRY D. SEIBERT**

IT IS ORDERED THAT, upon due consideration, Respondent Polypore International, Inc.'s Motion for Leave to File a Supplemental Affidavit of Harry D. Seibert is hereby GRANTED.

D. Michael Chappell
Administrative Law Judge

Date: _____

EXHIBIT A

**PROPOSED SUPPLEMENTAL AFFIDAVIT OF
HARRY D. SEIBERT (PUBLIC)**

**POLYPORE INTERNATIONAL, INC.
A CORPORATION**

DOCKET NO. 9327

[REDACTED]