UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION



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

COMPLAINT COUNSEL'S RESPONSE TO RESPONDENT'S MOTION FOR LEAVE TO FILE REPLY BRIEF

Respondent does not state any rule or law to indicate that it is entitled to file a reply to Complaint Counsel's Response to Respondent's Motion for *In Camera* Treatment. Respondent is not entitled to such a reply, yet it nevertheless files a copy of its proposed reply with its motion, essentially obviating any opportunity to discuss the merits of such a reply with Complaint Counsel.

In its motion for leave to file a reply brief, Respondent asserts only three reasons that it should be permitted to file a reply:

- 1. To address omissions and misleading assertions in Complaint Counsel's brief;
- 2. To assist the ALJ to understand why in camera treatment is necessary; and
- 3. The reply will be limited to responding to Complaint Counsel's arguments.

 However, Respondent's proposed reply does none of those things. It does not indicate a single omission or misleading assertion, it does not discuss why *in camera* treatment is necessary, and it

certainly does not respond to any of Complaint Counsel's arguments. Rather, Respondent's proposed brief merely complains that Complaint Counsel has not opposed third party motions for *in camera* treatment and inaccurately suggests that Complaint Counsel is seeking that all of Respondent's documents be made public, which it says, nonsensically, and without any support, would be bad for competition.¹

Accordingly, Complaint Counsel respectfully requests that Respondent's Motion For Leave to File Reply Brief be denied, and its Proposed Reply to Complaint Counsel's Opposition to Respondent's Motion for *In Camera* Treatment of Certain Trial Exhibits be stricken.

Dated: April 24, 2009

Respectfully submitted,

By: ROBERT ROBERTSON

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Complaint Counsel

¹ Ironically, the only support cited in Respondent's papers is a Commission pamphlet *Competition Matters*. It is worth noting that Complaint Counsel offered to give Respondent additional time to correct its *in camera* designations, but Respondent refused.

UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of POLYPORE INTERNATIONAL, INC.	Docket No. 9327
Respondent.	
PROI	POSED ORDER
Respondent's Motion for Leave to]	File Reply Brief is DENIED. Respondent's Proposed
Reply to Complaint Counsel's Opposition	to Respondent's Motion for In Camera Treatment of
Certain Trial Exhibits is hereby STRICKE	N.
ORDERED	
	D. Michael Chappell Administrative Law Judge
Date:	

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2009 I filed *via* hand and electronic mail delivery an original and two copies of the foregoing Complaint Counsel's Response to Respondent's Motion for Leave to File Reply Brief with:

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

I hereby certify that on April 24, 2009, I served *via* electronic mail and mail delivery a copy of the foregoing Complaint Counsel's Response to Respondent's Motion for Leave to File Reply Brief with:

The Honorable D. Michael Chappell Administrative Law Judge Federal Trade Commission 600 Pennsylvania Avenue, NW, H-106 Washington, DC 20580 oalj@ftc.gov

I hereby certify that on April 24, 2009, I served *via* electronic mail delivery and first class mail two copies of the foregoing Complaint Counsel's Response to Respondent's Motion for Leave to File Reply Brief with:

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