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



)	
In the Matter of)	
)	Docket No. 9327
POLYPORE INTERNATIONAL, INC.,)	
Respondent.)	
	.)	

ORDER ON RESPONDENT'S THIRD AND FOURTH MOTIONS FOR IN CAMERA TREATMENT

I.

Pursuant to Rule 3.45(b) of the Commission's Rules of Practice and the October 22, 2008 Scheduling Order in this matter, Respondent Polypore International, Inc. ("Polypore") submitted its third and fourth motions for *in camera* treatment on June 11, 2009 and June 17, 2009. Complaint Counsel's time for filing oppositions to these motions has expired.

An Order on Non-Parties' Motions for *In Camera* Treatment was entered in this matter on May 6, 2009. An Order on Respondent's Second Motion for *In Camera* Treatment was entered in this matter on May 13, 2009. The legal standards that apply to motions for *in camera* treatment, including the instant motions, are set forth in those Orders.

II.

A.

By Order on May 13, 2009, Respondent's Second Motion for *In Camera* Treatment was granted in part and denied in part. It was denied in part as to those documents for which Respondent failed to explain how such document met the Commission's standards for *in camera* treatment. Respondent states that it has since reviewed those documents in order to reduce the total number of exhibits for which Respondent seeks *in camera* protection.

Respondent's Third Motion seeks *in camera* treatment for the remaining exhibits it contends warrant *in camera* treatment and for a few additional exhibits which were introduced at trial and had not been previously included by Respondent in a motion for *in camera* treatment.

Respondent supports its motion with a Declaration from Michael Shor, Special Counsel for Polypore. Shor describes the documents for which *in camera* treatment is sought and

declares that each document contains sensitive and confidential information, the disclosure of which would seriously injure Respondent. Shor further declares that each document has been maintained internally by Respondent in a confidential manner, shared only with those individuals requiring the information contained therein. According to his Declaration, the documents that Respondent designates as proposed trial exhibits are organized into nine categories: (1) business plans and strategies, (2) contract negotiations and customer contracts, (3) intellectual property and proprietary information, (4) market analysis, (5) pricing strategy, (6) customer-specific documents, (7) costing data, (8) sales and financial information, and (9) multiple category documents.

Shor's Declaration supports Respondent's claims that the documents are sufficiently secret and sufficiently material to its business that disclosure would result in serious competitive injury. That showing was then balanced against the importance of the information in explaining the rationale of decisions at the Commission. Respondent requests *in camera* treatment for the proposed trial exhibits for a period of three to five years, depending on the document type.

Respondent's Third Motion for In Camera Treatment is GRANTED.

In camera treatment for a period of three years, expiring on June 1, 2012, will be extended to the documents for which Respondent requests in camera treatment of that duration, in accordance with Section III of this Order.

In camera treatment for a period of five years, expiring on June 1, 2014, will be extended to the documents for which Respondent requests in camera treatment of that duration, in accordance with Section III of this Order.

B.

Respondent's Fourth Motion seeks *in camera* treatment for three exhibits which it states were inadvertently not included in Respondent's prior motions seeking *in camera* treatment for certain trial exhibits. Respondent supports its motion with a Declaration from Michael Shor, Special Counsel for Polypore. Shor describes the documents for which *in camera* treatment is sought and declares that each document contains sensitive and confidential information, the disclosure of which would seriously injure Respondent. Shor further declares that each document has been maintained internally by Respondent in a confidential manner, shared only with those individuals requiring the information contained therein.

Respondent's Fourth Motion for *In Camera* Treatment is GRANTED.

In camera treatment for a period of five years, expiring on June 1, 2014, will be extended to the documents for which Respondent requests in camera treatment of that duration, in accordance with Section III of this Order.

Orders have previously issued on Respondent's First and Second Motions for *In Camera* Treatment. Respondent shall prepare a proposed order, with a signature line for the Administrative Law Judge, that lists by exhibit number the documents that have been granted *in camera* treatment by this and previous orders on Respondent's motions for *in camera* treatment and that sets forth the expiration date of *in camera* treatment for each exhibit.

ORDERED:

D. Michael Chappell

D. Michael Chappell

Chief Administrative Law Judge

Date: July 7, 2009