

Interlocutory Orders, Etc.

POLYPORE INTERNATIONAL, INC.

Docket No. 9327. Order, September 2, 2010

Order granting motion for *in camera* treatment by third party Johnson Controls, Inc. through June 1, 2014.

ORDER GRANTING MOTION FOR IN CAMERA TREATMENT FILED BY
NON-PARTY JOHNSON CONTROLS, INC.

I.

Pursuant to Commission Rule 3.45, 16 C.F.R. § 3.45,¹ non-party Johnson Controls, Inc. (“JCI”), has filed a motion (“JCI Motion”) requesting *in camera* treatment for a portion of the Declaration of Robert Gruenstern, dated July 12, 2010 and filed as Attachment B to Complaint Counsel’s Response to Respondent’s Third Motion to Reopen the Hearing Record. Neither Complaint Counsel nor Respondent opposes the JCI Motion. For the reasons described below, the Commission grants the JCI Motion.

II.

On July 8, 2010 Respondent Polypore International, Inc. (“Polypore”) filed Respondent’s Third Motion to Reopen the Hearing Record. On July 15, 2010, Complaint Counsel filed its Response to Respondent’s Third Motion to Reopen the Hearing Record, which included as Attachment B the Declaration of Robert Gruenstern, Executive Director of Product Engineering, Power Solutions – Americas for JCI. JCI requests *in camera* treatment for the last clause in the last sentence in paragraph two of Mr. Gruenstern’s declaration, which states that JCI [redacted] JCI requests that *in camera* treatment for this phrase extend until

¹ On May 1, 2009, the Commission published several amendments to its Rules of Practice designed to expedite the Part 3 litigation process. *See* 74 Fed. Reg. 20205. These rules govern all proceedings initiated on or after May 1, 2009. *See id.*; *see also* 74 Fed. Reg. 1804 (establishing interim final rules for actions commenced after January 13, 2009). Because the complaint in this matter was issued on September 10, 2008, the Rules of Practice in effect prior to the amendments govern this proceeding.

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June 1, 2014, which is the date on which *in camera* treatment for other JCI materials filed in this matter will expire.²

The Commission recognizes the substantial public interest in a full and open record of its adjudicative proceedings. *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). However, the Commission may order that material “be placed *in camera* after finding that its public disclosure will likely result in a clearly defined, serious injury to the person, partnership or corporation requesting *in camera* treatment.” 16 C.F.R. § 3.45(b). The Commission treats non-party requests for *in camera* treatment with “special solicitude.” *In re Crown Cork & Seal Co.*, 71 F.T.C. 1714, 1715 (1967). Where the Commission grants *in camera* treatment for strategic business information, it typically does so for a period of two to five years. *In re Union Oil Co. of Cal.*, 2004 FTC LEXIS 223, at *2 (2004).

JCI supports its motion with a declaration from Mr. Robert Gruenstern. Mr. Gruenstern states that the phrase over which JCI seeks protection reflects JCI’s current business strategy for product development. Mr. Gruenstern also states that (1) he is familiar with JCI’s confidentiality policies surrounding this information, (2) JCI does not disclose this information to the public or competitors, and (3) public disclosure would cause JCI to suffer serious competitive injury.

Based on the JCI Motion and Mr. Gruenstern’s supporting declaration, the Commission finds that JCI has met the standards for *in camera* treatment for a period to expire on June 1, 2014.

Accordingly,

IT IS ORDERED THAT *in camera* treatment be, and it hereby is, granted (1) to the last clause in the last sentence of paragraph two in the Declaration of Robert Gruenstern, dated July 12, 2010, and filed as Attachment B to Complaint Counsel’s Response to Respondent’s Third Motion to Reopen the Hearing

² See Order on Non-Parties’ Motions for *In Camera* Treatment, FTC Docket No. 9327 (May 6, 2009); Order on Non-Parties’ Supplemental Motions for *In Camera* Treatment, FTC Docket No. 9327 (June 4, 2009).