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A limited liability partnership formed in the State of Delaware

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RICON CORP. and WESTINGHOUSE AIR
13 BRAKE TECHNOLOGIES CORPORATION
14 dba VAPOR BUS INTERNATIONAL

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 LIFT-U, A DIVISION OF HOGAN MFG., INC.,
a California corporation,

19 Plaintiff,

20 vs.

21 RICON CORP., a California corporation, and
WESTINGHOUSE AIR BRAKE
22 TECHNOLOGIES CORPORATION dba
VAPOR BUS INTERNATIONAL, a Delaware
23 Corporation,

24 Defendants.

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LIFT-U, A DIVISION OF HOGAN MFG.,
INC.

No.: C 10-01850-LHK (HRL)

**STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS**

1 Counsel report that they have met and conferred regarding ADR and have reached the
2 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 Court Processes:

Non-binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

5 **X Mediation (ADR L.R. 6): Concurrent with this filing, the parties are submitting**
6 **a list of five mutually-agreeable mediators from the Court’s ADR Panel to the ADR Program.**

7 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is*
8 *appreciably more likely to meet their needs than any other form of ADR, must participate in an*
9 *ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR*
10 *Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

11 Private Process:

Private ADR *(please identify process and provider):*

12 The parties agree to hold the ADR session by:

13 the presumptive deadline *(The deadline is 90 days from the date of the order*
14 *referring the case to an ADR process unless otherwise ordered.)*

15 **X other requested deadline: The parties agree to hold the ADR session not later**
16 **than 45 days following service of Defendants’ Patent Local Rule 3-3 Invalidation Contentions.**

17 IT IS SO STIPULATED.

18 Dated: August 6, 2010.

19 LARIVIERE, GRUBMAN & PAYNE, LLP

REED SMITH LLP

20
21 By: /s/ Scott J. Allen *
22 Scott J. Allen
23 Attorneys for Plaintiff
24 LIFT-U, A DIVISION OF HOGAN MFG., INC.

21 By: /s/ James A. Daire
22 James A. Daire
23 Attorneys for Defendants
24 RICON CORP. and WESTINGHOUSE AIR
25 BRAKE TECHNOLOGIES CORPORATION
26 dba VAPOR BUS INTERNATIONAL

27 *Filer’s Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, James
28 A. Daire hereby attests that concurrence in the filing of this document has been obtained.

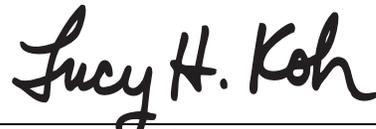
~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to: Court-appointed mediation.

Deadline for ADR session: The parties agree to hold the ADR session not later than 45 days following service of Defendants' Patent Local Rule 3-3 Invalidation Contentions.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: August 11, 2010.



Hon. Lucy H. Koh
United States District Court Judge