

ACTUATE CORP
Form 8-K
June 18, 2010

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

**FORM 8-K
CURRENT REPORT
Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934
June 14, 2010**

**Date of Report (Date of earliest event reported)
Actuate Corporation
(Exact name of registrant as specified in its charter)**

**Delaware
(State of Incorporation)**

**0-24607
(Commission File Number)**

**94-3193197
(IRS Employer
Identification Number)**

**2207 Bridgepointe Parkway
Suite 500
San Mateo, California 94404**

**(Address of principal executive offices)(Zip Code)
(650) 645-3000**

**(Registrant's telephone number, including area code)
(Former Name or Former Address, if Changed Since Last Report)**

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 1.01 Entry into a Material Definitive Agreement.

On June 14, 2010, Actuate Corporation (Actuate) and Oracle America, Inc. (Oracle) entered into an agreement (the Agreement) to end a dispute (Actuate Corporation v. Oracle USA, Inc. and Does 1 through 10, San Mateo County Superior Court Case No. 481387) (the Dispute) regarding distributions of Actuate software by Oracle. Oracle agreed to pay a total of \$16 million to Actuate in twelve equal quarterly installments.

Under the terms of the Agreement, Actuate agreed to dismiss the Dispute. The parties agreed to a mutual release and that the agreement was not to be understood as a determination that either party engaged in any wrongdoing.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Actuate Corporation

Date: June 18, 2010

By: /s/ Peter I. Cittadini

Name: Peter I. Cittadini

Title: President and Chief Executive Officer