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 JPMORGAN CHASE BANK, N.A. AS
 6 ACQUIRER OF CERTAIN ASSETS AND LIABILITIES OF
 WASHINGTON MUTUAL BANK
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 ACTUATE CORPORATION, a Delaware
 corporation,

Case No. CV 08-2918 SI

12 Plaintiff,

NOTICE OF SUBSTITUTION OF PARTY

13 vs.

14 WASHINGTON MUTUAL BANK, a
 15 Washington corporation,

16 Defendant.

NOTICE OF SUBSTITUTION OF PARTY

JPMorgan Chase Bank, N.A. (“JPMCB”), in its capacity as acquirer of certain assets and liabilities of Defendant Washington Mutual Bank, by and through its attorneys, hereby files this notice of substitution of JPMBC for defendant Washington Mutual Bank (“Washington Mutual”) and respectfully states:

1. JPMCB is a corporation incorporated under the laws of the state of Delaware with its headquarters at 270 Park Avenue, New York, New York 10017-2070.

2. On September 25, 2008, the Federal Office of Thrift Supervision placed Washington Mutual into receivership. Subsequently, Washington Mutual’s loan portfolio and banking operations, or parts thereof, were sold to JP Morgan Chase Bank, N.A. (“JPMCB”) pursuant to the Purchase and Sale Agreement (the “Purchase and Sale Agreement”) dated September 25, 2008, between the Federal Deposit Insurance Organization as Receiver for Washington Mutual, as Seller, and JPMCB, as Purchaser.

3. On or about January 23, 2009, pursuant to the Purchase and Sale Agreement, JPMCB assumed the licenses between Washington Mutual and Actuate.

WHEREFORE, JPMCB, as acquirer of certain assets and liabilities for Washington Mutual, provides notice of substitution of JPMCB as the proper party in this action in the place and stead of Washington Mutual and for all other and further relief to which it may show itself to be entitled.

Dated: February 2, 2009

HOWREY LLP

By: /s/ Jayne Laiprasert
Jayne Laiprasert

Attorneys for Defendant
JPMORGAN CHASE BANK, N.A. AS
ACQUIRER OF CERTAIN ASSETS AND
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