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14 Attorneys for Defendant  
 JPMORGAN CHASE BANK, N.A.,  
 15 As Acquirer of Certain Assets and Liabilities of  
 Washington Mutual Bank

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 ACTUATE CORPORATION, a Delaware  
 20 corporation,  
 21 Plaintiff,  
 22 v.  
 23 JPMORGAN CHASE BANK, N.A., a Delaware  
 corporation, as Acquirer of Certain Assets and  
 24 Liabilities of WASHINGTON MUTUAL  
 BANK, a Washington corporation,  
 25 Defendant.

) CASE NO.: CV 08-2918 SI  
 )  
 ) **STIPULATION OF DISMISSAL OF**  
 ) **ACTION WITH PREJUDICE**  
 ) **PURSUANT TO FEDERAL RULE OF**  
 ) **CIVIL PROCEDURE 41(a)(1)(A)(ii);**  
 ) **[PROPOSED] ORDER THEREON**

) Hon. Susan Illston  
 )  
 ) Complaint Filed: June 11, 2008  
 ) Trial Date: December 7, 2009

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 STIPULATION OF DISMISSAL OF ACTION;  
 [PROPOSED] ORDER  
 CASE No. CV 08-2918 SI

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**STIPULATION**

IT IS HEREBY STIPULATED by and between Plaintiff Actuate Corporation and Defendant JPMorgan Chase Bank, N.A., as Acquirer of Certain Assets and Liabilities of Washington Mutual Bank, that this entire Action, including all claims asserted in Plaintiff's Amended Complaint For Breach Of Contract, Copyright Infringement, and Quantum Meruit/Quantum Valebant, be dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: September 30, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: Charles T. Graves  
James A. DiBoise  
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Charles T. Graves  
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Attorneys for Plaintiff  
Actuate Corporation

Dated: September 30, 2009

HOWREY LLP

By: Benjamin K. Riley  
Benjamin K. Riley  
rileyb@howrey.com

Attorneys for Defendant  
JPMorgan Chase Bank, N.A.,  
As Acquirer of Certain Assets and  
Liabilities of Washington Mutual Bank

**[PROPOSED] ORDER**

Pursuant to the stipulation of the parties and good cause shown therefor, this entire Action, including all claims asserted in Plaintiffs' Amended Complaint For Breach Of Contract, Copyright Infringement, and Quantum Meruit/Quantum Valebant, is hereby dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: \_\_\_\_\_



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The Honorable Susan Illston  
United States District Judge

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I, Charles T. Graves, am the ECF User whose identification and password are being used to file this STIPULATION OF DISMISSAL OF ACTION WITH PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii); [PROPOSED] ORDER THEREON. In compliance with General Order 45.X.B, I hereby attest that BENJAMIN K. RILEY has concurred in this filing.

Dated: September 30, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Charles T. Graves  
Charles T. Graves