

1 RODGER R. COLE (Bar No. 178865)
 rcole@fewick.com
 2 JOSEPH S. BELICHICK (Bar No. 229371)
 jbelichick@fenwick.com
 3 FENWICK & WEST LLP
 Silicon Valley Center
 4 801 California Street
 Mountain View, CA 94041
 5 Telephone: (650) 988-8500
 Facsimile: (650) 938-5200

6 DAVID L. HAYES (Bar No. 122894)
 dhayes@fenwick.com
 7 ILANA S. RUBEL (Bar No. 221517)
 irubel@fenwick.com
 8 FENWICK & WEST LLP
 9 555 California Street – 12th Floor
 San Francisco, CA 94104
 10 Telephone: (415) 875-2300
 Facsimile: (415) 281-1350

11 Attorneys for Plaintiff
 12 ACTUATE CORPORATION

13 **Additional counsel listed on signature page*

14
 15 UNITED STATES DISTRICT COURT
 16 NOTHERN DISTRICT OF CALIFORNIA

17 ACTUATE CORPORATION, a Delaware
 18 corporation

19 Plaintiff,

20 v.

21 INTERNATIONAL BUSINESS MACHINES
 CORPORATION, a Delaware corporation, MRO
 22 SOFTWARE, INC., a Massachusetts
 corporation,

23 Defendants.
 24

Case No. CV-09-5892-JCS

**STIPULATION FOR DISMISSAL OF
 ENTIRE ACTION WITH PREJUDICE
 PURSUANT TO FEDERAL RULE OF
 CIVIL PROCEDURE 41(a)(1)(A)(ii)**

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2 **TO THIS HONORABLE COURT, AND TO ALL PARTIES AND THEIR**
3 **ATTORNEYS OF RECORD:**

4 Pursuant to a Settlement Agreement dated September 28, 2010 by and among the parties
5 to this action – that is, Plaintiff ACTUATE CORPORATION, on the one hand, and Defendants
6 INTERNATIONAL BUSINESS MACHINES CORPORATION, and MRO SOFTWARE, INC,
7 on the other hand – and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) the parties HEREBY
8 STIPULATE:

9 This entire action should be and hereby is dismissed with prejudice as against each and
10 every defendant, with each party bearing its own fees and costs.

11 Respectfully submitted,

12 Dated: September 30, 2010

FENWICK & WEST LLP

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14 By: Rodger R. Cole
15 Rodger R. Cole (Bar No. 178865)
16 Attorneys for Plaintiff
ACTUATE CORPORATION

17 Dated: September 30, 2010

HOGAN LOVELLS US LLP
525 University Ave.
Palo Alto, California 94301
Tel. 650.463.4000
Fax: 650.463.4199
E-mail: michael.charlson@hoganlovells.com

20
21
22 By: Michael L. Charlson
23 Michael L. Charlson (SBN 122125)
24 Attorneys for Defendants
INTERNATIONAL BUSINESS MACHINES
CORPORATION and MRO SOFTWARE, INC.

25 Dated: 9/30/10

