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14 Attorneys for Defendants and Counterclaimants  
 15 NCR Corporation and M&T Bank

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 17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 OAKLAND DIVISION

20 ACTUATE CORPORATION, a California  
 21 Corporation,

22 Plaintiff,

23 v.

24 NCR CORPORATION, a Maryland corporation,  
 25 M&T BANK, a New York state chartered bank,  
 and DOES 1 through 10

26 Defendants.

27 AND RELATED COUNTERCLAIMS  
 28

CASE NO. 4:13-cv-03494 (PJH)

**STIPULATION OF DISMISSAL  
 WITH PREJUDICE AND ORDER**

1 Plaintiff Actuate Corporation (“Plaintiff”) and Defendants NCR Corporation (“NCR”) and  
2 M&T Bank (“M&T”), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), having entered into a  
3 Settlement and Mutual Release Agreement and each having executed the agreement, hereby  
4 stipulate and agree that all claims and counterclaims asserted in this action are dismissed with  
5 prejudice with each party to bear its own costs and attorneys’ fees. The parties have further  
6 agreed, and so request, that the Court retain jurisdiction to enforce the Settlement Agreement.

7 IT IS SO STIPULATED.

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9 Dated: July 2, 2014

LEE TRAN& LIANG LLP

10 By: /s/ James M. Lee  
11 JAMES M. LEE

12 Attorney for Plaintiff and Counter-defendants  
13 ACTUATE CORPORATION

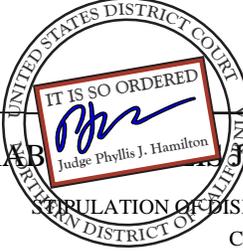
14  
15 Dated: July 2, 2014

DLA PIPER LLP (US)

17 By: /s/ Amanda L. Morgan  
18 AMANDA L. MORGAN  
19 PAUL R. GUPTA

20 Attorneys for Defendants and Counterclaimants  
21 NCR CORPORATION and M&T BANK

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24 SO ORDERED, this 9 day of July, 2014

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28 THE HONORABLE  HAMILTON



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**ATTESTATION OF CONCURRENCE IN FILING**

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of this document has been obtained from Amanda L. Morgan which shall serve in lieu of his signature on the document.

Dated: July 2, 2014

LEE TRAN & LIANG LLP

By:     /s/ James M. Lee      
      JAMES M. LEE

Attorney for Plaintiff and Counter-  
defendants  
ACTUATE CORPORATION