

ACTUATE CORP  
Form 8-K  
February 02, 2009  
UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

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**FORM 8-K**

**CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

February 2, 2009

Date of Report (Date of earliest event reported)

**Actuate Corporation**

(Exact name of registrant as specified in its charter)

|   |  |   |
|---|--|---|
| <b>Delaware</b><br>(State of Incorporation) | <b>0-24607</b><br>(Commission File Number) | <b>94-3193197</b><br>(IRS Employer<br>Identification<br>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 2.02 Results of Operations and Financial Condition.**

The information in this Report under Item 2.02, as well as Exhibit 99.1 attached hereto, is furnished pursuant to Item 2.02 of this Form 8-K. Consequently, it is not deemed “filed” for the purposes of Section 18 of the Securities and Exchange Act of 1934, as amended, or otherwise subject to the liabilities of that section. It may only be incorporated by reference in another filing under the Exchange Act or the Securities Act of 1933, as amended, if such subsequent filing specifically references this Form 8-K.

On February 2, 2009, Actuate Corporation issued a press release announcing its financial results for the fourth quarter of 2008. A copy of the press release is attached hereto as Exhibit 99.1 and incorporated herein by reference.

**Item 9.01 Financial Statements and Exhibits.**

(d) Exhibits.

| <u>Exhibit No.</u> | <u>Description</u> |
|--------------------|--------------------|
|--------------------|--------------------|

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|------|---------------------------------------|
| 99.1 | Press release dated February 2, 2009. |
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**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: February 2, 2009    By:    /s/ Thomas McKeever  
Name: Thomas McKeever  
Title: General Counsel, VP of Corporate  
Development

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**INDEX TO EXHIBITS**

**Exhibit No.    Description**

99.1            Press release dated February 2, 2009.