

Skomra Bernard  
Form 3  
March 01, 2010

**FORM 3 UNITED STATES SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

OMB APPROVAL

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**INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934,  
Section 17(a) of the Public Utility Holding Company Act of 1935 or Section  
30(h) of the Investment Company Act of 1940

(Print or Type Responses)

|   |         |                                      |  |  |
|---|---------|--------------------------------------|--|--|
| 1. Name and Address of Reporting Person * |         | 2. Date of Event Requiring Statement | 3. Issuer Name <b>and</b> Ticker or Trading Symbol                     |  |
| Skomra Bernard                            |         | (Month/Day/Year)                     | ACTUATE CORP [ACTU]  |  |
| (Last)                                    | (First) | (Middle)                             | 4. Relationship of Reporting Person(s) to Issuer                       | 5. If Amendment, Date Original Filed(Month/Day/Year) |
|   |         | 01/26/2010                           |  |  |
| 2207 BRIDGEPOINTE PARKWAY, SUITE 500      |         |                                      | (Check all applicable)   |  |
| (Street)                                  |         |                                      | <input type="checkbox"/> Director                                      | <input type="checkbox"/> 10% Owner                   |
| SAN MATEO, CA 94404                       |         |                                      | <input checked="" type="checkbox"/> Officer                            | <input type="checkbox"/> Other                       |
| (City)                                    | (State) | (Zip)                                | (give title below)   | (specify below)                                      |
|   |         |                                      | SVP Worldwide Operations   |  |
|   |         |                                      | 6. Individual or Joint/Group Filing(Check Applicable Line)             |  |
|   |         |                                      | <input checked="" type="checkbox"/> Form filed by One Reporting Person |  |
|   |         |                                      | <input type="checkbox"/> Form filed by More than One Reporting Person  |  |

**Table I - Non-Derivative Securities Beneficially Owned**

| 1. Title of Security (Instr. 4) | 2. Amount of Securities Beneficially Owned (Instr. 4) | 3. Ownership Form: Direct (D) or Indirect (I) (Instr. 5) | 4. Nature of Indirect Beneficial Ownership (Instr. 5) |
|---------------------------------|---|--|---|
| Common Stock                    | 20,750 <sup>(1)</sup> <sup>(2)</sup>                  | D  |   |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

SEC 1473 (7-02)

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

**Table II - Derivative Securities Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)**

| 1. Title of Derivative Security (Instr. 4) | 2. Date Exercisable and Expiration Date (Month/Day/Year) | 3. Title and Amount of Securities Underlying Derivative Security (Instr. 4) | 4. Conversion or Exercise Price of Derivative Security | 5. Ownership Form of Derivative Security: Direct (D) | 6. Nature of Indirect Beneficial Ownership (Instr. 5) |
|--|--|---|--|--|---|
|  | Date Exercisable   | Title   |  |  |   |

## Edgar Filing: Skomra Bernard - Form 3

|                       |                           | Expiration<br>Date |                 | Amount or<br>Number of<br>Shares |         | or Indirect<br>(I)<br>(Instr. 5) |   |
|-----------------------|---------------------------|--------------------|-----------------|----------------------------------|---------|----------------------------------|---|
| Option (right to buy) | 12/17/2008 <sup>(3)</sup> | 12/17/2017         | Common<br>Stock | 150,000                          | \$ 6.93 | D                                | Â |
| Option (right to buy) | 02/01/2010 <sup>(4)</sup> | 02/01/2019         | Common<br>Stock | 100,000                          | \$ 3.56 | D                                | Â |
| Option (right to buy) | 01/26/2011 <sup>(5)</sup> | 01/26/2020         | Common<br>Stock | 212,500                          | \$ 4.8  | D                                | Â |

## Reporting Owners

| Reporting Owner Name / Address  | Relationships |           |                            |       |
|---|---------------|-----------|----------------------------|-------|
|   | Director      | 10% Owner | Officer                    | Other |
| Skomra Bernard<br>2207 BRIDGEPOINTE PARKWAY<br>SUITE 500<br>SAN MATEO, CA 94404 | Â             | Â         | Â SVP Worldwide Operations | Â     |

## Signatures

/s/ Bernard  
Skomra

03/01/2010

\*\*Signature of  
Reporting Person

Date

## Explanation of Responses:

\* If the form is filed by more than one reporting person, *see* Instruction 5(b)(v).

\*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

- Includes 18,750 shares of Issuer's common stock underlying restricted stock units ("RSUs") awarded to Reporting Person. The RSUs will vest in a series of four equal annual installments, with the first to vest on February 26, 2011 and the remaining installments to vest on the second, third and fourth anniversaries of the January 26, 2010 award date, provided the Reporting Person remains in the Issuer's service
- (1) through each such date, subject to accelerated vesting upon the Reporting Person's termination of employment under certain prescribed circumstances within 12 months following certain changes in ownership or control of the Issuer or during the period commencing with the Issuer's execution of a definitive agreement to effect a change in control and ending on the earlier to occur of (i) the closing of the change in control transaction or (ii) the termination of such definitive agreement.
  - (2) Unless the Reporting Person elects to defer the issuance of the shares until the Reporting Person's separation from service from the Issuer, the shares of the Issuer's common stock will be issued as the RSUs vest.
  - (3) Option becomes exercisable as to 1/4 of the option shares on 12/17/2008 and for the balance in a series of equal monthly installments over the following 36 months.
  - (4) Option becomes exercisable as to 1/4 of the option shares on 02/01/2010 and for the balance in a series of equal monthly installments over the following 36 months.
  - (5) Option becomes exercisable as to 1/4 of the option shares on 01/26/2011 and for the balance in a series of equal monthly installments over the following 36 months.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *See* Instruction 6 for procedure.

Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.