

ACTUATE CORP  
Form NT 10-Q  
May 16, 2003

# SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

## FORM 12b-25

Commission File Number 000-\_\_\_\_\_

### NOTIFICATION OF LATE FILING

(Check One):     Form 10-K         Form 11-K         Form 20-F         Form 10-Q         Form N-SAR

For Period Ended:                      March 31, 2003

- Transition Report on Form 10-K
- Transition Report on Form 20-F
- Transition Report on Form 11-K
- Transition Report on Form 10-Q
- Transition Report on Form N-SAR

For the Transition Period Ended: \_\_\_\_\_

Nothing in this form shall be construed to imply that the Commission has verified any information contained herein.

If the notification relates to a portion of the filing checked above, identify the item(s) to which the notification relates:

Not Applicable

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**PART I**

**REGISTRANT INFORMATION**

Full name of registrant Actuate Corporation

Former name if applicable Not Applicable

Address of principal executive office (*Street and number*) 701 Gateway Boulevard

City, state and zip code So. San Francisco, CA 94080

**PART II**

**RULES 12b-25(b) AND (c)**

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check appropriate box.)

- X (a) The reasons described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense;
- X (b) The subject annual report, semi-annual report, transition report on Form 10-K, 20-F, 11-K or Form N-SAR, or portion thereof will be filed on or before the 15th calendar day following the prescribed due date; or the subject quarterly report of transition report on Form 10-Q, or portion thereof will be filed on or before the 5th calendar day following the prescribed due date; and
- .. (c) The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.

**PART III**

**NARRATIVE**

State below in reasonable detail the reasons why Form 10-K, 11-K, 20-F, 10-Q, N-SAR or the transition report portion thereof could not be filed within the prescribed time period. (Attach extra sheets if needed.)

Actuate Corporation is unable to file its Form 10-Q for the fiscal quarter ended March 31, 2003 without unreasonable effort and expense due to its inability to complete the review of its financial statements with its independent accountants.

**PART IV**

**OTHER INFORMATION**

- (1) Name and telephone number of person to contact in regard to this notification

Bill Garvey

(650) 837-2293

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(Name)

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(Area Code)(Telephone Number)

- (2) Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the preceding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If answer is no, identify report(s).  Yes  No
- (3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof?  Yes  No

If so: attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

**Actuate Corporation**

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(Name of Registrant as Specified in Charter)

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Has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Date: May 15, 2003

By: /s/ DANIEL A. GAUDREAU

Chief Financial Officer

*Instruction.* The form may be signed by an executive officer of the registrant or by any other duly authorized representative. The name and title of the person signing the form shall be typed or printed beneath the signature. If the statement is signed on behalf of the registrant by an authorized representative (other than an executive officer), evidence of the representative's authority to sign on behalf of the registrant shall be filed with the form.