

Chat GPT Is Eating the World

AI COPYRIGHT WARS, COPYRIGHT, LAWSUITS, STATUS

Status of all copyright lawsuits v. AI (Feb. 29 , 2024)

February 29, 2024

Here's the latest status report of the copyright lawsuits against AI companies as of Feb. 29, 2024.
Highlights of this week:

- In a motion to dismiss, OpenAI **unleashed on the New York Times** for allegedly paying “someone to hack” ChatGPT against its terms of use, in order to generate “the highly anomalous results in Exhibit J to the Complaint.”
- **Two new lawsuits** were filed against OpenAI. Internet news sites The Intercept, Raw Story, and Alternet filed two complaints, which contained only claims for removal of CMI under Section 1202 of the DMCA. No copyright claims as of yet.
- **Huckabee v. Meta** was dismissed without prejudice by Judge Chhabria after parties' stipulation, apparently to wait and see what happens in the other book cases against AI.

Status of U.S. Copyright Lawsuits v. AI Cos.

Case name	Jurisdiction	Judge	Latest status
<u>Thomson Reuters Enterprise Centre GmbH et al v. ROSS Intelligence Inc.</u>	D. Del.	Bibas	Trial on the copyright issues will begin on August 26, 2024, at 9:00 a.m. in Wilmington, Delaware and will last five days. Jury selection on August 23, 2024, at 10:00 a.m.

			Pending motions for SJ on defendant's antitrust claims
<u>Doe 1 v. Github, Inc.</u>	ND Cal.	Tigar	<p>Defendants <u>moved to dismiss 2d amended complaint claims</u> under 1202 of DMCA and breach of contract.</p> <p><u>Stipulated order:</u></p> <p>1. Plaintiffs' oppositions to any motion(s) filed by Defendants in response to the SAC shall be due March 27, 2024.</p> <p>2. Defendants' replies to any such motions shall be due April 10, 2024.</p> <p>Plaintiffs filed Second Amended Complaint (Jan. 24, 2024) after <u>Judge Tigar granted in part</u> Github, Microsoft's motion to dismiss, leaving only 3 claims for breach of contract and unfair competition. [<u>Summary</u>]</p>
<u>Sarah Andersen v. Stability AI Ltd</u>	ND Cal.	Orrick	<p><u>Runway AI filed MTD</u> (Feb. 8, 2024).</p> <p><u>DeviantArt filed MTD</u> (Feb. 8, 2024).</p> <p><u>Stability AI filed MTD</u> (Feb. 8, 2024).</p> <p><u>Midjourney filed MTD</u> (Feb. 8, 2024).</p> <p>1) The deadline for Plaintiffs to respond to motions to dismiss is March 21, 2024</p> <p>2) The deadline for Defendants to file Replies in support of any motions to dismiss is April 18, 2024.</p> <p>3) Hearing on any Motion to Dsmiss set for 5/8/2024 02:00 PM via Videoconference before Judge William H. Orrick, regarding <u>First Amended Complaint</u>.</p>
<u>Getty Images (US), Inc. v. Stability AI Ltd</u>	D. Del.	Hall	<p><u>NOTICE to Take Deposition</u> of Peter O'Donoghue on February 22, 2024 filed by Getty Images. Defendants' Motion to Dismiss or Transfer (D.I. 16) is DISMISSED without prejudice to re-file after the conclusion of jurisdictional discovery.</p>

			Case reassigned to Judge Jennifer Hall.
<p><u>Richard Kadrey v. Meta Platforms, Inc.</u></p> <p><u>Chabon v. Meta Platforms</u> consolidated with Kadrey v. Meta Platforms above</p>	ND Cal.	Chhabria	<p>For the reasons discussed at the 1/25/2024 hearing, the 65 Motion to Appoint Lead Plaintiff and Lead Counsel is denied without prejudice.</p> <p><u>First Amended Complaint</u> filed on Dec. 11, 2023.</p>
<p>In re OpenAI ChatGPT Litigation, Case No. 23-cv-03223.</p> <p>Three cases consolidated and recaptioned above: <u>Paul Tremblay v. OpenAI, Inc.</u></p> <p><u>Sarah Silverman v. OpenAI, Inc.</u> consolidated</p> <p><u>Chabon v. OpenAI</u> consolidated</p>	ND Cal.	Araceli Martinez-Olguin	<p><u>Order Granting in Part OpenAI's motion</u> to dismiss vicarious infringement claim, Section 1202 CMI claims, negligence, and unjust enrichment.</p> <p>Granted leave to amend for the plaintiffs to file an amended complaint consolidating three cases into one proceeding now captioned In re OpenAI ChatGPT Litigation: the claims in 23-cv-3223-AMO (Tremblay et al. v. OpenAI, Inc. et al.), 23-cv-04625-AMO (Chabon et al. v. OpenAI, Inc. et al.), 23-cv-03416 (Silverman et al. v. OpenAI, Inc. et al.).</p> <p><u>Pretrial Order No. 1 with stipulation</u> and <u>Order to consolidate cases</u></p>
<u>J.L. v. Alphabet Inc</u>	ND Cal.	Araceli Martinez-Olguin	<p><u>Google filed motion to dismiss</u> some claims (Feb. 9, 2024)</p> <p>ORDER GRANTING AS MODIFIED 31 STIPULATION to Continue Case Management Conference and Authorize Briefs in Excess of Default Page Limits. Case Management Statement due by noon on 5/30/2024. Initial Case Management Conference set for 6/6/2024 at 10:00 AM in San Francisco, Courtroom 10, 19th Floor.</p> <p><u>First Amended Complaint</u> filed on January 5, 2024.</p>
<p><u>Authors Guild v. Open AI</u></p> <p><u>Alter v. OpenAI, Microsoft,</u> formerly <u>Julian Sancton v.</u></p>	SNDY	Stein	<p><u>Letter from defense counsel Joseph Gratz</u> to Judge Stein to deny request for discovery conference (Feb. 27, 2024)</p>

<p><u>OpenAI, Microsoft</u> consolidated with Authors Guild v. OpenAI</p> <p>plus Basbanes v. Microsoft below</p>			<p><u>Answer filed by OpenAI</u> (Feb. 16, 2024)</p> <p><u>Answer filed by Microsoft</u> (Feb. 16, 2024)</p> <p><u>CONSOLIDATED COMPLAINT filed</u> (Feb. 2, 2024).</p> <p><u>Joint Stipulation re motions for SJ, class certification, and discovery schedule</u></p> <p>Fact discovery, expert discovery, and the briefing of any motion for summary judgment will be completed on or before February 28, 2025.</p>
<p><u>Basbanes v. Microsoft</u> consolidated for pretrial purposes pursuant to Fed. R. Civ. P. 42. with Authors Guild v. OpenAI above</p>	SDNY	Stein	<p>Defendants' response to motion (Feb. 26, 2024)</p> <p>MOTION to Intervene AND DISMISS, STAY OR TRANSFER filed by Paul Tremblay (Feb. 12, 2024) Complaint filed (Jan. 5, 2024)</p>
<p><u>Huckabee v. Meta Platforms Inc</u> (dismissed without prejudice and tolling)</p>	ND Cal. (transferred from SDNY)	Tse	<p>Order by Judge Vince Chhabria granting #105 Stipulation of Dismissal without Prejudice and Tolling Agreement</p> <p>Case transferred in from District of New York Southern; Case Number 1:23-cv-09152. Case Management Statement due by 3/22/2024. Initial Case Management Conference set for 3/29/2024 02:00 PM in San Francisco, Courtroom A, 15th Floor</p>
<p><u>Concord Music Group, Inc. et al v. Anthropic PBC</u></p>	M.D. Tenn.	Crenshaw Jr.	<p>Various motions and oppositions for leave to file amicus curiae brief re: motion for preliminary injunction.</p> <p>ORDER SETTING CASE FOR TRIAL: Jury Trial is set for 11/18/2025 at 09:00 AM in Courtroom 6B before Chief Judge Waverly D. Crenshaw Jr. Exhibit List due by 11/3/2025. Witness List due by</p>

			<p>11/3/2025. Pretrial Conference is set for 11/10/2025 at 10:00 AM in Courtroom 6B before Chief Judge Waverly D. Crenshaw Jr. Proposed Pretrial Order due by 11/3/2025.</p> <p><u>Anthropic's Motion to Dismiss</u> (Nov. 22, 2023) <u>Plaintiffs' Response</u> (Jan. 22, 2024) <u>Anthropic's Reply</u> (Feb. 14, 2024)</p> <p><u>Plaintiffs' Motion for Preliminary Injunction</u> (Nov. 16, 2023) <u>Anthropic's opposition</u> (Jan. 15, 2024) <u>Plaintiffs' Reply</u> (Feb. 14, 2024)</p>
<u>New York Times v. Microsoft</u>	SDNY	Stein	<p><u>Defendant filed motion to dismiss</u> (Feb. 26, 2024). <u>Complaint filed</u> (Dec. 28, 2023)</p>
Raw Story Media, Inc. v. OpenAI	SDNY		<p><u>Complaint filed</u> (Feb. 28, 2024)</p>
Intercept Media Inc. v. OpenAI	SDNY		<p><u>Complaint filed</u> (Feb. 28, 2024)</p>

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