

## Chat GPT Is Eating the World

### AI COPYRIGHT WARS, ELON MUSK, LAWSUITS, STATUS, UNCATEGORIZED

August 7, 2024

Here's the latest status report on all 28 copyright lawsuits against AI companies.

Major developments:

- OpenAI was sued yet again! This time, for unauthorized use of YouTube videos to train AI. Surprisingly, the proposed class action lawsuit, *Millette v. OpenAI*, raises only two state law claims for unjust enrichment and unfair competition. Unclear why no copyright claim was asserted. We have added this lawsuit to the list below.
- Elon Musk revived [his lawsuit against OpenAI](#), but this time with new attorney [Marc Toberoff](#) in federal court. This case does not involve IP claims, so it's not listed below.
- The first trial in an AI copyright lawsuit (*Thomson Reuters v. ROSS Intelligence*) is set to begin on **August 26, 2024, at 9:00 a.m.** in Wilmington, Delaware before **Judge Stephanos Bibas**. There's been a flurry of filings (including proposed jury instructions and sealed letters regarding what headnotes and other elements of Thomson's works ROSS argues is uncopyrightable. Unfortunately, the list of headnotes is under seal.) The trial should be fun.

# Status of all 28 copyright lawsuits plus 1 new state law suit v. AI (Aug. 7, 2024): 2d case involving YouTube videos but no copyright claim

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Major developments:

- OpenAI was sued yet again! This time, for unauthorized use of YouTube videos to train AI. Surprisingly, the proposed class action lawsuit, [Millette v. OpenAI](#), raises only two state law claims for unjust enrichment and unfair competition. Unclear why no copyright claim was asserted. We have added this lawsuit to the list below. (*J.L. v. Alphabet* also raises claims based in part on training of Google's AI model allegedly on YouTube video.)
- Elon Musk revived [his lawsuit against OpenAI](#), but this time with new attorney [Marc Toberoff](#) in federal court. This case does not involve IP claims, so it's not listed below.
- The first trial in an AI copyright lawsuit ([Thomson Reuters v. ROSS Intelligence](#)) is set to begin on **August 26, 2024, at 9:00 a.m.** in Wilmington, Delaware before **Judge Stephanos Bibas**. There's been a flurry of filings (including proposed jury instructions and sealed letters regarding what headnotes and other elements of Thomson's works ROSS argues is uncopyrightable. Unfortunately, the list of headnotes is under seal.) The trial should be fun.

Other developments include:

- In *Doe 1 v. Github*, the briefing schedule is set regarding the [plaintiffs' motion for leave](#) to file an interlocutory appeal of **Judge Tigar's** dismissal of the DMCA CMI claims. Opposition due by 8/21/2024. Reply due by 9/11/2024.
- **Judge Araceli Martinez-Olguin** has concluded that *Zhang v. Google* is related to *J.L. v. Alphabet*, and now presides over both cases. The Judge indicated the Zhang plaintiffs may have raised sufficient reason not to consolidate the two cases, but that doesn't mean they are not related. (See [N.D. Cal. local rule of civil procedure 3-12](#).)
- In the lawsuit brought by music publishers, *Concord Music v. Anthropic*, the plaintiffs have refiled their [motion for preliminary injunction](#) after the case was transferred from Nashville to the Northern District of California. The RIAA and other trade groups have requested to file an [amici brief](#) in support of the preliminary injunction.
- In the lawsuits brought by the record labels, *UMG Recordings v. Uncharted Lab dba Udio* and *UMG Recordings v. Suno*, the defendants filed [forceful Answers based on fair use and even copyright misuse](#) ([here](#) and [here](#)).
- [Judge Stein granted](#) the *New York Times'* motion to amend the complaint to "add approximately seven million additional works to the approximately three million works in the original complaint," but with "no new claims."

- Judge Stein also referred the consolidated cases (Authors Guild, Alter, and Basbanes) and the related cases (New York Times, Daily News, The Center for Investigative Reporting) to Magistrate Judge Ona T. Wang for general pretrial.

New developments since last week's report are indicated with an asterisk\*.

Case name	Jurisdiction	Judge	Latest status
<p><u>Thomson Reuters Enterprise Centre GmbH et al v. ROSS Intelligence Inc.</u></p>	<p>D. Del.</p>	<p>Bibas</p>	<p>*Final Pretrial Conference proceedings held before Judge Stephanos Bibas (Aug. 6, 2024)*</p> <hr/> <p>Copyrightability of Headnotes</p> <p>*[SEALED] Letter to The Honorable Stephanos Bibas from Michael Flynn regarding Amended Version of Exhibit 1 to D.I. 636 – re 636 Statement,. (Aug. 06, 2024)*</p> <p>*[SEALED] STATEMENT re 612 Oral Order,,, 617 Statement, –Plaintiffs’ Response to Defendant Ross’s List of Headnotes in Response to the July 22, 2024, Order at Docket No. 612– by Thomson Reuters Enterprise Centre GmbH, West Publishing Corporation. (Attachments: # 1 Exhibit 1) (Aug. 5, 024)*</p> <p>*REDACTED VERSION of 617 Statement, re 612 Oral Order,,, [Defendant ROSS Intelligence, Inc.’s List of Headnotes in Response to the July 22, 2024, Order at Docket No. 612] by ROSS Intelligence Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Moore, David) (Aug. 5, 2024)*</p> <p>[SEALED] STATEMENT re 612 Oral Order,,, [Defendant ROSS Intelligence, Inc.’s List of</p>

Headnotes in Response to the July 22, 2024, Order at Docket No. 612] by ROSS Intelligence Inc.. (Attachments: # 1 Exhibit A part 1, # 2 Exhibit A part 2, # 3 Exhibit A part 3, # 4 Exhibit A part 4, # 5 Exhibit A part 5, # 6 Exhibit B part 1, # 7 Exhibit B part 2, # 8 Exhibit B part 3, # 9 Exhibit C)(Jul. 29, 2024)

**ORAL ORDER:** ORDER Ross to submit a list of all headnotes it believes are verbatim quotations, or vary trivially from verbatim quotations, of judicial opinions by **Monday, July 29, at noon EDT.** ROSS should use the same format used for Exhibit A in D.I. 604-1. If Thomson Reuters wishes to submit comments on the list, it must do so by **Monday, August 5, at noon EDT.** This Court will not filter out any headnotes that are neither direct quotations nor trivial variations on direct quotations. The jury must consider all headnotes that it could reasonably find are original and thus eligible for copyright protection. D.I. 547, at 7-8. Ordered by Judge Stephanos Bibas on 7/18/2024.

[Plaintiffs' opposition to request for filtration hearing](#)

[\[REDACTED\] OPENING BRIEF in Support re 603 MOTION for the Setting of a Filtration Hearing filed by ROSS Intelligence Inc.. Answering Brief/Response due date per Local Rules is Jul. 5, 2024.](#)

[Joint Letter to The Honorable Stephanos Bibas from Bindu A. Palapura regarding Filtration Hearing. \(Palapura, Bindu\) \(Jun. 12, 2024\)](#)

**\*ORDER on EXPERTS: I DENY the part of Ross's motion (D.I. 267 ) seeking to exclude opinions and testimony of Plaintiffs' expert Jonathan Krein on substantial similarity. This fully resolves D.I. 267 . I DENY the part of Ross's motion (D.I. 273 ) seeking to exclude the opinions of Plaintiffs expert James Malackowski on statutory damages under the Copyright Act. This fully resolves D.I. 273 . I DENY Plaintiffs' motion to exclude opinions and testimony of Rosss expert Barbara Frederiksen-Cross (D.I. 260 ). This fully resolves D.I. 260. I GRANT the parts of Plaintiffs' motion (D.I. 262 ) seeking to exclude the opinions and testimony of Ross's expert Dr. Alan Cox on disgorgement and lost profits. This fully resolves D.I. 262 . Signed by Judge Stephanos Bibas on 8/2/2024. \***

**\*Proposed Jury Instructions by ROSS Intelligence Inc. (filed Aug. 05, 2024)**

**\*Proposed Jury Instructions by Thomson Reuters (Jul. 31, 2024)\***

**\*Proposed Voir Dire by ROSS Intelligence Inc.\* (Aug. 2, 2024)**

**\*Proposed Voir Dire by Thomson Reuters (Aug. 1, 2024)**

**Joint Stipulation and Order Setting Pre-trial Schedule (Jun. 24, 2024)**

**August 26, 2024, at 9:00 a.m:**

			<p>Trial on the copyright issues will begin in Wilmington, Delaware and will last five days.</p> <p><b>August 23, 2024, at 10:00 a.m.</b></p> <p>Jury selection.</p>
<p><u>Getty Images (US), Inc. v. Stability AI Ltd</u></p>	<p>D. Del.</p>	<p>Hall</p>	<p><b>*ORAL ORDER: IT IS HEREBY ORDERED that, on or before August 9, 2024, the parties shall submit a joint status report detailing the status of jurisdictional discovery and setting forth the parties' position(s) regarding whether the issue(s) raised in the October 9, 2023 letter to Judge Williams (D.I. 32 ) have been resolved. Ordered by Judge Jennifer L. Hall on 8/5/2024.*</b></p> <hr/> <p><b><u>*OPENING BRIEF in Support re 48 MOTION to Transfer Case to Northern District of California filed by Stability AI US Services Corporation, Stability AI, Inc., Stability AI, Ltd.. (Jul. 29, 2024)*</u></b></p> <p>Answering Brief/Response due date per Local Rules is 8/12/2024.</p> <hr/> <p><b><u>Second Amended Complaint (Jul. 8, 2024)</u></b></p> <p><b><u>Unopposed MOTION for Leave to File Second Amended Complaint – filed by Getty Images (US), Inc.(Jul. 2, 2024) – Redlined version of 2d Am. Complt.</u></b></p>
<p><u>Doe 1 v. Github, Inc.</u></p>	<p>ND Cal.</p>	<p>Tigar</p>	<p><b>Motion for Interlocutory Appeal</b></p> <p><b>*Reset Deadlines as to 268 MOTION for Leave to Appeal PURSUANT TO 28 U.S.C. § 1292(B). Opposition due by 8/21/2024. Reply due by 9/11/2024.*</b></p>

**\*ORDER GRANTING 269  
JOINT REQUEST TO MODIFY  
BRIEFING SCHEDULE FOR  
PLAINTIFFS' MOTION TO  
AMEND AND CERTIFY THE  
COURT'S JUNE 24, 2024  
ORDER FOR  
INTERLOCUTORY APPEAL  
PURSUANT TO 28 U.S.C. §  
1292(b) by Judge Jon S. Tigar.\***

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**\*CORRECTED NOTICE OF  
VOLUNTARY DISMISSAL OF  
DEFENDANT OPENAI  
INVESTMENT LLC WITHOUT  
PREJUDICE PURSUANT TO  
FED.  
R. CIV. P. 41(a)(1)(A)(i)\***

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**\*Order Granting and Denying in  
Part Motions to Dismiss First  
Am. Complaint (Jun. 24, 2024)  
(published)\***

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\*ORDER CONTINUING CASE MANAGEMENT CONFERENCEIt appearing that there are no issues for resolution by the district court at this time, the case management conference scheduled for July 12, 2024 is continued to October 4, 2024 at 1:30 p.m. An updated case management statement is due September 27, 2024. On that subject, the Court observes that the parties' most recent case management statement, ECF No. 259, is largely dedicated to an issue-by-issue discussion of the parties' many discovery disputes, including a recitation of the parties' positions as to those disputes. While the Court requires that a high-line summary of the progress of discovery be included in the case management statement, and such a summary is a useful case management tool, the level of detail about the parties'

			<p>positions contained in the recent case management statement exceeds what is necessary or helpful. As the parties acknowledge, discovery disputes have been referred to Magistrate Judge Donna Ryu.*</p> <p><b><u>Joint Stipulation that Defendants' Answer to Plaintiff's Second Amended Complaint is due on July 15, 2024.* (Jul. 3, 2024)</u></b></p> <p><u>OpenAI Supplemental Authority re Joint Discovery Letter (May 5, 2024)</u></p> <p><b><u>Joint Discovery Letter (April 18, 2024)</u></b></p> <p><u>Judge Tigar order denying Plaintiffs' motion for reconsideration of dismissal of CMI claims (filed Apr. 15, 2024)</u></p> <p><u>Doe 1 Opp. to Microsoft's MTD (Mar. 27, 2024)</u></p> <p><u>Doe 1 Opp. to OpenAI MTD (Mar. 27, 2024)</u></p> <p>Defendants <b><u>moved to dismiss</u></b> 2d amended complaint claims under 1202 of DMCA and breach of contract.</p> <p><u>Judge Tigar granted in part</u> Github, Microsoft's motion to dismiss, leaving only 3 claims for breach of contract and unfair competition. [<b><u>Summary</u></b>]</p>
<p><b><u>Sarah Andersen v. Stability AI Ltd</u></b></p>	<p>ND Cal.</p>	<p>Orrick</p>	<p><b><u>*STATEMENT OF RECENT DECISION (dismissal of CMI claims in Doe 1 v. Github) pursuant to Civil Local Rule 7-3.d filed by Midjourney, Inc.. (Jul. 17, 2024)</u></b></p> <p><u>Judge Orrick's Tentative Rulings re MTD (May 7, 2024)</u></p> <p><b><u>Runway Reply in supp. MTD (Apr. 18, 2024)</u></b></p> <p><b><u>Runway Reply re Judicial</u></b></p>

			<p><b><u>Notice exhibits + webpages</u></b> (Apr. 18, 2024) <b><u>DeviantArt Reply in supp. MTD</u></b> (Apr. 18, 2024) <b><u>Stability AI Reply in supp. MTD</u></b> (Apr 18, 2024) <b><u>Midjourney Reply in supp. MTD</u></b>(Apr. 18, 2024) <b><u>Midjourney Reply re Judicial Notice exhibits + webpages</u></b> (Apr. 18, 2024)* <b>Hearing: May 8, 2024, 2 PM PDT</b></p> <p><b><u>Plaintiffs' Opp. to Runway AI's MTD</u></b> (Mar. 21,2024) <b><u>Plaintiffs' Opp. to DeviantArt's MTD</u></b> (Mar. 21, 2024) <b><u>Plaintiffs' Opp. to Stability AI's MTD</u></b> (Mar. 21, 2024) <b><u>Plaintiffs' Opp. to Midjourney's MTD</u></b> (Mar. 21, 2024)</p> <p><b><u>Runway AI filed MTD</u></b> (Feb. 8, 2024). <b><u>DeviantArt filed MTD</u></b> (Feb. 8, 2024). <b><u>Stability AI filed MTD</u></b> (Feb. 8, 2024). <b><u>Midjourney filed MTD</u></b> (Feb. 8, 2024).</p> <p><b><u>First Amended Complaint.</u></b></p>
<p><b><u>Zhang v. Google</u></b> *related to J.L. v. Alphabet</p>	<p>N.D. Cal.</p>	<p><b>Araceli Martinez-Olguin</b></p>	<p><b>*ORDER: The Court has reviewed the Zhang plaintiffs' opposition to Google's renewed motion to relate. While the Zhang plaintiffs' arguments may present reasons why the actions should not be consolidated, the J.L. and Zhang cases are nonetheless related. Signed by Judge Araceli Martinez-Olguin on August 5, 2024. [from J.L. v. Alphabet]*</b></p> <hr/> <p><b>Motion to Dismiss by Google</b></p> <p><b>*Clerk's Notice Setting Motion Hearing. 24 Motion to Dismiss Hearing set for 1/9/2025 at 02:00 PM in</b></p>

San Francisco, Courtroom 10,  
19th Floor before Judge  
Araceli Martinez-Olguin.\*

**\*REPLY (re 24 MOTION to  
Dismiss Complaint and  
Memorandum of Points and  
Authorities in Support Thereof  
) filed by Alphabet Inc., Google  
LLC.\***

**\*REPLY IN SUPPORT OF 25  
DEFENDANTS REQUEST FOR  
JUDICIAL NOTICE AND  
CONSIDERATION OF  
MATERIALS INCORPORATED  
BY REFERENCE IN SUPPORT  
OF MOTION TO DISMISS  
COMPLAINT by Alphabet  
Inc., Google LLC. (Aug. 1,  
2024)\***

**Plaintiffs' Opposition to  
Google's Motion to Dismiss  
(Jul. 18, 2024)**

Google's Motion to Dismiss  
parts of Count I and all of Count  
II (Jun. 20, 2024)

Googles Motion Requesting  
Judicial Notice of Materials  
Incorporated by Reference in  
Supp. of Mtn. to Dismiss (Jun.  
20, 2024)

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Initial Case Management  
Scheduling Order with ADR  
Deadlines: Notice: The assigned  
judge participates in the  
Cameras in the Courtroom Pilot  
Project. See General Order No.  
65 and  
[http://cand.uscourts.gov/camera](http://cand.uscourts.gov/cameras)  
s. Case Management Statement  
due by 8/15/2024.

Initial Case Management  
Conference set for 8/22/2024  
10:00 AM in San Jose,  
Courtroom 4, 5th Floor.

			<p><u>Complaint filed on Apr. 26, 2024</u></p>
<p><b><u>J.L. v. Alphabet Inc</u></b>                  *related to Zhang v. Google</p>	<p>N.D. Cal.</p>	<p>Araceli Martinez-Olguin</p>	<p>*ORDER: The Court has reviewed the Zhang plaintiffs' opposition to Google's renewed motion to relate. While the Zhang plaintiffs' arguments may present reasons why the actions should not be consolidated, the J.L. and Zhang cases are nonetheless related. Signed by Judge Araceli Martinez-Olguin on August 5, 2024. [from J.L. v. Alphabet]*</p> <hr/> <p>Motion to Dismiss</p> <p>*Order by Judge Araceli Martinez-Olguin granting as modified 57 Stipulation to Modify Briefing Schedule on Defendant's Motion to Dismiss. Response due by 8/22/2024. Reply due by 9/12/2024*</p> <hr/> <p>Motion to Relate Cases</p> <p>*NOTICE by Sarah Andersen, Jessica Fink, Hope Larson, Jingna Zhang Zhang Plaintiffs' Response in Opposition to Defendants' Renewed Motion to Relate (Jul. 30, 2024)*</p> <p>*ADMINISTRATIVE MOTION to Consider Whether Cases Should Be Related filed by Google LLC. Responses due by 7/15/2024. (Jul. 11, 2024)*</p> <hr/> <p><b><u>AMENDED COMPLAINT</u></b>  <u>Second Amended Class Action Complaint against Google LLC.</u>  <u>Filed by Jill Leovy.</u> (Jun. 26, 2024)                  –<b><u>REDLINE Second Amended Complaint</u></b></p>

Court Grants Motion to Dismiss:

In light of the concerns expressed by Judge Chhabria in his order dismissing the complaint

in the matter of Cousart v. OpenAI LP, No. 23-cv-4557-VC,1

and given the overlap in the plaintiffs named, the involved plaintiffs' counsel, and the claims asserted in this case and Cousart,

Google's motion to dismiss Plaintiffs' amended complaint is GRANTED, without prejudice.

Plaintiffs shall file a second amended complaint within 21 days of this order.

STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Google LLC. (Attachments: # 1 Exhibit 1) (Related document(s) 33 )

(Kramer, David) (May 28, 2024)\* citing to Judge Chhabria's dismissal of Cousart v. OpenAI

Order by Judge Araceli Martinez-Olguin granting 39 Stipulation to Continue Case Management Conference and Motion Hearing. Motion Hearing set for 9/5/2024 02:00 PM in San Francisco, Courtroom 10, 19th Floor before Judge Araceli Martinez-Olguin. Case Management Statement due by noon on 11/27/2024. Initial Case Management Conference set for 10/3/2024 at 10:00 AM in San Francisco, Courtroom 10, 19th Floor.

CLERK'S NOTICE  
CONTINUING MOTION HEARING re [33] Motion to Dismiss. Motion Hearing set for 5/16/2024 IS CONTINUED TO **8/22/2024 at 2:00 PM in San Francisco, Courtroom 10, 19th Floor** before Judge Araceli

			<p>Martinez-Olguin.</p> <p><u>Google reply</u> (filed April 5, 2024), hearing for May 16, 2024, 2 PM</p> <p><b><u>Plaintiffs' Opp. to Google MTD</u></b> (filed Mar. 15, 2024, hearing set for May 16, 2024, 2 PM PDT, Courtroom 10)</p> <p><u>Google filed motion to dismiss</u> some claims (Feb. 9, 2024)</p> <p><u>First Amended Complaint</u> filed on January 5, 2024.</p>
<p><b><u>Richard Kadrey v. Meta Platforms, Inc.</u></b></p> <p><u>Chabon v. Meta Platforms</u> consolidated with Kadrey v. Meta Platforms above</p> <p><b><u>Huckabee v. Meta Platforms Inc</u></b> (dismissed without prejudice and tolling). *SDNY case v. Bloomberg oingong ND Cal. (transferred from SDNY)</p>	<p>ND Cal.</p>	<p>Chhabria</p>	<p><b>*CLERK'S NOTICE: Setting Discovery Hearing by Zoom Video Conference re ECF Docket no. 105: A Discovery hearing by Zoom Video Conference is scheduled for: 8/16/2024 at 11:00 AM in San Francisco, before Magistrate Judge Thomas S. Hixson.*</b></p> <p><b>STIPULATION AND ORDER: Voluntary Dismissal and Consolidation of Kadrey v. Meta and Huckabee v. Meta. Two Plaintiffs in the Kadrey action, Michael Chabon and Ayelet Waldman, hereby voluntarily dismiss their claims against Meta with prejudice. (Jul. 5, 2024)</b></p> <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>Meta Answer</u> (filed Jan. 10, 2024)</p> <p><b><u>First Amended Complaint</u></b> filed Dec. 11, 2023.</p>
<p><b>In re OpenAI ChatGPT Litigation,</b> Case No. 23-cv-03223.</p> <p>Three cases consolidated and recaptioned above:</p>	<p>ND Cal.</p>	<p>Araceli Martinez-Olguin</p>	<p><b>*Order by Magistrate Judge Robert M. Illman granting in part and denying in part 163 Discovery Letter Brief. (Jul. 31, 2024)*</b></p>

Paul Tremblay v. OpenAI, Inc.

Sarah Silverman v. OpenAI, Inc.

consolidated

Chabon v. OpenAI

consolidated

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**\*NOTICE OF SETTLEMENT  
CONFERENCE AND  
SETTLEMENT CONFERENCE  
ORDER. Settlement  
Conference set for 9/13/2024  
at 9:30 AM in San Francisco,  
Courtroom C, 15th Floor.  
Signed by Magistrate Judge  
Sallie Kim on 7/15/2024.\***

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Defendants' Statement of  
Recent Decision (in Doe 1 v.  
Github) (Jul. 12, 2024).

Plaintiffs' Motion for Relief from  
Nondispositive Pretrial Order  
of Magistrate Judge (Jul. 10,  
2024).

Order by Magistrate Judge  
Robert M. Illman granting 153  
Discovery Letter Brief. (Filed on  
6/24/2024)

Order by Magistrate Judge  
Robert M. Illman granting 145  
Letter Brief. of Defendants to  
include Exhibits (May 31, 2024)

Order by Magistrate Judge  
Robert M. Illman re Third  
Discovery Dispute granting in  
part and denying in part 143  
Discovery Letter Brief. (rmilc2,  
COURT STAFF) (May 24, 2024)

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**Defendants' Reply in supp.  
MTD (Apr. 19, 2024)  
-Hearing Aug. 1, 2024, 2 PM  
PDT**

**Plaintiffs' Opposition to MTD  
(filed April 10, 2024)**

**OpenAI's motion to dismiss 1st  
amended consolidated  
complaint (Mar. 27, 2024)**

**Plaintiffs' First Consolidated  
Amended Complaint filed  
(Mar. 13, 2024)**

			<p><b><u>Order Denying Motion by Tremblay to Enjoin Defendants from Litigating in SDNY</u></b></p> <p><b><u>Order Granting in Part OpenAI's motion</u></b> to dismiss vicarious infringement claim, Section 1202 CMI claims, negligence, and unjust enrichment.</p> <p><b><u>Pretrial Order No. 1 with stipulation and Order to consolidate cases</u></b></p>
<b><u>Millette v. OpenAI</u></b>	N.D. Cal.	Hixson	<b><u>*Complaint filed (Aug. 2, 2024)*</u></b>
<b><u>Abdi Nazemian v. NVIDIA Corp.</u></b>	N.D. Cal.	Tigar	<p><b>Report of Rule 26(f) Planning Meeting (Jul. 3, 2024)</b></p> <p>JOINT STIPULATION AND ORDER TO RESCHEDULE CASE MANAGEMENT CONFERENCE PURSUANT TO CIVIL LOCAL RULE 6-2 by Judge Jon S. Tigar granting 57 Stipulation. Joint Case Management Statement due by 8/13/2024.</p> <p>Initial Case Management Conference continued to 8/20/2024 at 02:00 PM Videoconference Only.</p> <p>This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/jst">https://www.cand.uscourts.gov/jst</a></p> <p><b>st</b> Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. One list of names of all counsel appearing for all parties should be sent in one email to the CRD at <a href="mailto:jstcrd@cand.uscourts.gov">jstcrd@cand.uscourts.gov</a> no later than 8/19/2024 at 2:00 PM PST. General Order 58. Persons granted access to court</p>

proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>. (kc, COURT STAFF) (Jun. 7, 2024)\*

ORDER RELATING CASE. Case C-24-1454-JST is related to case C-24-2655-VC. Signed by Judge Jon S. Tigar on 5/29/2024. (May 29, 2024); Dubus v. NVIDIA is resassigned to Judge Tigar

ORDER GRANTING JOINT STIPULATION RE: BRIEFING SCHEDULE by Judge Jon S. Tigar granting 31 Stipulation. Response to complaint due by 5/24/2024. Opposition to motion responsive to complaint due by 6/21/2024. Reply in support of responsive motion due by 7/5/2024.

CLERKS NOTICE SETTING ZOOM HEARING. **Case Management Statement due by 6/11/2024.** Initial Case Management Conference set for **6/18/2024 02:00 PM in Oakland, – Videoconference Only.** This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/jst> Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing.

			<u>Complaint filed</u> (Mar. 8, 2024)
<u>Dubus v. NVIDIA Corp.</u>	N.D. Cal.	Tigar	<p><u>ANSWER to Complaint by NVIDIA Corporation. (Pak, Sean) (7/1/2024)</u></p> <p>JOINT STIPULATION AND ORDER TO RESCHEDULE CASE MANAGEMENT CONFERENCE PURSUANT TO CIVIL LOCAL RULE 6-2 by Judge Jon S. Tigar granting 57 Stipulation. Joint Case Management Statement due by 8/13/2024. Initial Case Management Conference continued to 8/20/2024 at 02:00 PM Videoconference Only.</p> <p>This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/jst">https://www.cand.uscourts.gov/jst</a> Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. One list of names of all counsel appearing for all parties should be sent in one email to the CRD at <a href="mailto:jstcrd@cand.uscourts.gov">jstcrd@cand.uscourts.gov</a> no later than 8/19/2024 at 2:00 PM PST. General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. Zoom Guidance and Setup: <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>. (kc, COURT STAFF) (Jun. 7, 2024)</p> <p>Case reassigned to Judge Tigar</p>

			<p>as related case (May 29, 2024)</p> <p>CLERKS NOTICE SETTING ZOOM HEARING. Case Management Statement due by 6/11/2024.</p> <p>Initial Case Management Conference set for <b>6/18/2024 at 02:00 PM in Oakland</b>, – Videoconference Only. This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/jst">https://www.cand.uscourts.gov/jst</a></p> <p><b>st</b> Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. One list of names of all counsel appearing for all parties should be sent in one email to the CRD at <a href="mailto:jstcrd@cand.uscourts.gov">jstcrd@cand.uscourts.gov</a> no later than <b>6/17/2024 at 2:00 PM</b> PST.General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.Zoom Guidance and Setup: <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>.*&amp;nbsp;</p> <p><b>Complaint filed May 2, 2024</b></p>
<p><u>O’Nan v. Databricks, Mosaic ML</u></p>	<p>N.D. Cal.</p>	<p>Breyer</p>	<p><b>*CASE MANAGEMENT SCHEDULING ORDER: The Court adopts the Joint Case Management Statement and Defendant’s Proposed Schedule. Case Management Conference set for August 2, 2024 is VACATED. Case Management Conference set for 1/17/2024 at 8:30 AM in San Francisco – To be</b></p>

determined. Close of Expert Discovery due by 7/25/2025. Case Management Statement due by 1/10/2024. Motions due by 9/5/2025. Signed by Judge Charles R. Breyer on 7/15/2024.

DEFENDANTS' RESPONSE TO COURT ORDER DIRECTING RESPONSE RE: CASE SCHEDULE (Jul. 8, 2024)

The Court therefore ORDERS Defendants to file a response by July 8, 2024, indicating whether they consent to this approach (deciding summary judgment before class certification) and waive any objections to one-way intervention in this case (Jul. 1, 2024).

STIPULATION AND ORDER RESCHEDULING CASEMANAGEMENT CONFERENCE by Judge Charles R. Breyer: granting (49). Stipulation in case 3:24-cv-01451-CRB; granting (47). Stipulation in case 3:24-cv-02653-CRB. Case Management Conference reset to August 2, 2024 at 10:00 a.m. by video conference. (6/18/2024)

Set/Reset Hearing re (49 in 3:24-cv-02653-CRB, 49 in 3:24-cv-02653-CRB) Order on Stipulation. Initial Case Management Conference set for 8/2/2024 at 10:00 AM in San Francisco – Videoconference Only. This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/crb> Court Appearances: Advanced notice is required of counsel or parties who wish to

			<p>be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at <a href="mailto:crbcrd@cand.uscourts.gov">crbcrd@cand.uscourts.gov</a> no later than July 30, 2024 at 3:00 PM PST.General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.Zoom Guidance and Setup: <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>. Initial Case Management Conference set for 8/2/2024 10:00 AM in San Francisco, – Videoconference Only.</p> <p><b>A Joint Case Management Statement due by 6/14/2024. Initial Case Management Conference set for 6/21/2024 at 8:30 AM in San Francisco – To be determined.</b></p> <p><b><u>*Order finding Makkai v. Databricks is related case (May 13, 2024)*</u></b></p> <p><b><u>*Defendants' Answer (May 2, 2024)*</u></b></p> <p>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by <b>5/30/2024</b>. Initial Case Management Conference set for <b>6/6/2024 10:30 AM</b> in San Francisco, Courtroom F, 15th Floor. (cjl, COURT STAFF) (Filed on 3/11/2024) (Entered: 03/11/2024)</p> <p><b><u>Complaint filed</u></b> (Mar. 8, 2024)</p>
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<p><u>Makkai v. Databricks, Inc.,</u> <u>Mosaic ML</u></p>	<p>N.D. Cal.</p>	<p>White</p>	<p><b>*CASE MANAGEMENT SCHEDULING ORDER:</b> The Court adopts the Joint Case Management Statement and Defendant’s Proposed Schedule. Case Management Conference set for August 2, 2024 is VACATED. Case Management Conference set for 1/17/2024 at 8:30 AM in San Francisco – To be determined. Close of Expert Discovery due by 7/25/2025. Case Management Statement due by 1/10/2024. Motions due by 9/5/2025. Signed by Judge Charles R. Breyer on 7/15/2024.*</p> <p><u>*DEFENDANTS' RESPONSE TO COURT ORDER DIRECTING RESPONSE RE: CASE SCHEDULE (Jul. 8, 2024)</u></p> <p><u>STIPULATION AND ORDER RESCHEDULING CASEMANAGEMENT CONFERENCE by Judge Charles R. Breyer: granting (49)</u> <u>Stipulation in case 3:24-cv-01451-CRB; granting (47)</u> <u>Stipulation in case 3:24-cv-02653-CRB. Case Management Conference reset to August 2, 2024 at 10:00 a.m. by video conference. (6/18/2024)</u></p> <p>Set/Reset Hearing re (49 in 3:24-cv-02653-CRB, 49 in 3:24-cv-02653-CRB) Order on Stipulation. Initial Case Management Conference set for 8/2/2024 at 10:00 AM in San Francisco – Videoconference Only. This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/crb">https://www.cand.uscourts.gov/crb</a> Court Appearances:</p>
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			<p>Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at <a href="mailto:crbcd@cand.uscourts.gov">crbcd@cand.uscourts.gov</a> no later than July 30, 2024 at 3:00 PM PST. General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. Zoom Guidance and Setup: <a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>. Initial Case Management Conference set for 8/2/2024 10:00 AM in San Francisco, – Videoconference Only.</p> <p><b>Defendants Answer to Complaint (May 29, 2024)</b></p> <p>CLERK’S NOTICE: A Joint Case Management Statement due by <b>6/14/2024</b>.</p> <p>Initial Case Management Conference set for <b>6/21/2024 at 8:30 AM</b> in San Francisco – To be determined. (May 14, 2024)</p> <p><u>ORDER REASSIGNING CASE.</u>  <u>Case reassigned to Judge Charles R. Breyer for all further proceedings. Judge Jeffrey S. White no longer assigned to case.</u></p> <p><b><u>Complaint filed May 2, 2024</u></b></p>
<p><b><u>Concord Music Group, Inc. et al v. Anthropic PBC</u></b></p>	<p>N.D. Cal. (transferred from M.D. Tenn.).</p>	<p><b>Scott Corley</b></p>	<p><b>Motion for Preliminary Injunction</b></p> <p><b>*Set/Reset Deadlines as to 179 MOTION for Preliminary</b></p>

Injunction . Motion Hearing reset for 10/10/2024 at 10:00 a.m. in San Francisco, Courtroom 08, 19th Floor before Judge Jacqueline Scott Corley.\*

\*MOTION for Preliminary Injunction filed by Abkco Music Inc, Capitol CMG, Inc., Concord Music Group, Inc., Polygram Publishing, Inc., Songs of Universal Inc., Universal Music – MGB NA LLC, Universal Music – Z Tunes LLC, Universal Music Corp.. Motion Hearing set for 10/3/2024 10:00 AM in San Francisco, Courtroom 08, 19th Floor before Judge Jacqueline Scott Corley. Responses due by 8/22/2024. Replies due by 9/12/2024.\*

\*Prpoused Amici Brief (Aug. 5, 2024) by RIAA and Other Trade Groups

**CLERK’S NOTICE SETTING ZOOM HEARING.** The Initial Case Management Conference set for 8/15/2024 at 1:30 p.n. before Judge Jacqueline Scott Corley will be held via a Zoom webinar.**Webinar Access:** All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/jsc>

**sc Court Appearances:** Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names must be sent to the CRD at [jccrd@cand.uscourts.gov](mailto:jccrd@cand.uscourts.gov) no later than noon on 8/14/2024.General Order 58. Persons granted access to court proceedings held by telephone or videoconference are

reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited. Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>.

JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE TO AUGUST 15, 2024

Case reassigned to Judge Jacqueline Scott Corley. The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and <http://cand.uscourts.gov/cameras>.

From M.D. Tennessee:  
ORDER: For the reasons set forth in the accompanying Memorandum Opinion, Defendant Anthropic PBC's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue or, in the Alternative, to Transfer Venue (Doc. No. 54 ) is GRANTED IN PART and DENIED AS MOOT IN PART.  
\*The Clerk shall TRANSFER this action to the United States District Court for the Northern District of California and close the case. Signed by District Judge Waverly D. Crenshaw, Jr on 6/24/2024

Chief Judge Crenshaw Order on Status of Case: motion for preliminary injunction will be decided in due course (Apr. 19, 2024) no oral argument

Plaintiffs' Motion to Ascertain

			<p><u>Status</u> (filed April 12, 2024)</p> <p>ORDER SETTING CASE FOR TRIAL: Jury Trial is set for <b>11/18/2025</b> at 09:00 AM in Courtroom 6B before Chief Judge Waverly D. Crenshaw Jr. Exhibit List due by <b>11/3/2025</b>. Witness List due by <b>11/3/2025</b>. Pretrial Conference is set for <b>11/10/2025</b> at 10:00 AM in Courtroom 6B before Chief Judge Waverly D. Crenshaw Jr. Proposed Pretrial Order due by <b>11/3/2025</b>.</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>
<p><u>Authors Guild v. Open AI</u></p> <p><u>Alter v. OpenAI, Microsoft</u>, formerly <u>Julian Sancton v. OpenAI, Microsoft</u> consolidated with Authors Guild v. OpenAI</p> <p>plus Basbanes v. Microsoft below</p>	<p>SNDY</p>	<p>Stein</p>	<p><b>*ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Ona T. Wang. SO ORDERED. (Signed by Judge Sidney H. Stein on 8/6/2024) Filed In Associated Cases: 1:23-cv-08292-SHS, 1:23-cv-10211-SHS, 1:24-cv-00084-SHS (jca) (Entered: 08/06/2024)*</b></p> <p><u>Plaintiffs' Letter Request to Compel Microsoft to search for documents responsive to twelve of Plaintiffs' Requests for Production of Documents ("RFPs"). These RFPs</u></p>

all seek material related to the scope of Microsoft's notice of and knowledge in connection with OpenAI's training of the Large Language Models ("LLMs") at issue in the case. (Jul. 22, 2024)

\*Plaintiffs' Letter Reponse to Defendants' Letter Request (Jul. 17, 2024)\*

\*Defendants' Letter Request to order Authors Guild to produce discovery beyond Mignon Eberhart's works, including those held by Authors Guild as an "organization."(Jul. 15, 2024)\*

Appearance by Microsoft's Attorneys from Faegre, Drinker, Biddle & Reath LLP (Jul. 12, 2024)

- Carrie A. Beyer
- Elizabeth Schelbel
- Kristin Stoll-DeBell

Joining the other attorneys from the firm:

- Jared Briant
- Jeffrey Jacobson

OpenAI Opp. to motion for biweekly status reports (May 17, 2024)

Microsoft Opp. to Motion for biweekly status reports (May 17, 2024).

STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material...SO STIPULATED AND AGREED. The protective order may be amended for good cause. SO ORDERED. (Signed by Judge Sidney H. Stein on 5/15/2024) Filed In Associated

Cases: 1:23-cv-08292-SHS, 1:23-cv-10211-SHS, 1:24-cv-00084-SHS (jca) (Entered: 05/16/2024)

LETTER MOTION for Conference Concerning Plaintiffs' Request for Biweekly Status Conferences addressed to Judge Sidney H. Stein from Rohit Nath, Rachel Geman, and Scott Sholder dated May 15, 2024. Document filed by Authors Guild, et al.

Defendants' Opposition to Motion to Compel (May 7, 2024)

Plaintiffs' Motion to Compel Defendants to produce its FTC responses and documents to show identities of 2 former employees who created datasets of books in OpenAI's training data (May 6, 2024)

Appearances by OpenAI's Attorneys from Kecker, Van Nest & Peters

Robert Van Nest

Paven Malhotra

R. James Slaughter

Michelle Sabrina Ybarra

Nicholas Samuel Goldberg

Katie Lynn Joyce

Thomas Edward Gorman

OpenAI opp. to motion to compel documents (Apr. 16, 2024)

OpenAI motion to file under seal +response to Plaintiffs' motion to file under seal (Apr. 16, 2024)

California Plaintiffs' Notice of Appeal to Second Circuit re: denial of motion to intervene in SDNY lawsuit (filed April 13, 2024)

Judge Stein order denying California plaintiffs' motion to

			<p><a href="#">intervene</a> (filed April 1, 2024)</p> <p><a href="#">Answer filed by OpenAI</a> (Feb. 16, 2024)</p> <p><a href="#">Answer filed by Microsoft</a> (Feb. 16, 2024)</p> <p><b><a href="#">CONSOLIDATED COMPLAINT</a></b> <a href="#">filed</a> (Feb. 2, 2024).</p>
<p><b><u>Basbanes v. Microsoft</u></b> consolidated for pretrial purposes pursuant to Fed. R. Civ. P. 42. with Authors Guild v. OpenAI above</p>	<p>SDNY</p>	<p><b>Stein</b></p>	<p><b>*Order Referring Case to Magistrate Judge (Aug. 6, 2024)*</b></p> <p><b>Appearance by Microsoft's Attorneys from Faegre, Drinker, Biddle &amp; Reath LLP (Jul. 12, 2024)</b></p> <ul style="list-style-type: none"> <li>-Carrie A. Beyer</li> <li>-Elizabeth Schelbel</li> <li>-Kristin Stoll-DeBell</li> </ul> <p>Joining the other attorneys from the firm:</p> <ul style="list-style-type: none"> <li>-Jared Briant</li> <li>-Jeffrey Jacobson</li> </ul> <p>STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material (May 16, 2024)</p> <p><a href="#">California Plaintiffs' Notice of Interlocutory Appeal to Second Circuit re: denial of motion to intervene in SDNY lawsuit</a> (filed April 13, 2024)</p> <p><b><a href="#">Judge Stein order denying California plaintiffs' motion to intervene</a> (filed April 1, 2024)</b> <b><a href="#">Complaint filed</a></b> (Jan. 5, 2024)</p>
<p><b><u>New York Times v. Microsoft</u></b></p>	<p>SDNY</p>	<p><b>Stein</b></p>	<p><b>*ORDER The motion by the New York Times for leave to file an amended complaint is granted. The New York Times shall file its amended complaint on or before August 12, 2024, and shall file all proposed exhibits to the amended complaint on ECF. The New York Times may also send the proposed exhibits in native Excel format by email to</b></p>

[steinchambers@nysd.uscourts.gov](mailto:steinchambers@nysd.uscourts.gov) and [wangchambers@nysd.uscourts.gov](mailto:wangchambers@nysd.uscourts.gov). This action shall be referred to Magistrate Judge Ona T. Wang for general pretrial purposes, including outstanding timing and discovery disputes. (And as further set forth herein.) SO ORDERED.\*

**\*ORDER REFERRING CASE TO MAGISTRATE JUDGE.** Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Ona T. Wang and Magistrate Judge Ona T. Wang. SO ORDERED. (Signed by Judge Sidney H. Stein on 8/6/2024)\*

NOTICE of Supplemental Authority [Doe 1 v. Github] re: 51 MOTION to Dismiss (Jul. 12, 2024)

Latest discovery dispute: **NYT Response in Opposition to Motion to Compel (Jul. 3, 2024)**

**OpenAI LETTER MOTION to Compel The New York Times to Produce Documents addressed to Judge Sidney H. Stein from Elana Nightingale Dawson dated July 1, 2024. Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc..(Jul. 1, 2024)\***

1. OpenAI seeks precisely these documents through RFP 12, which requests “documents sufficient to show each and every written work that informed the preparation of each of Your Asserted Works, regardless of its length, format, or medium.”

2. To determine what portions of the works asserted by the Times are protected by copyright, OpenAI seeks documents sufficient to determine (a) what portions of the works reflect “expressive, original, human-authored content” (as sought in RFP 10), and (b) what portions of the works reflect “non-expressive, non-original [to the Times], or non-human-authored content” (as sought in RFP 11).

3. To determine whether the Times is asserting protection over works for which it does not own the copyright, either in full or in part, OpenAI seeks documents related to, inter alia: (a) allegations against the Times of infringement and plagiarism in connection with the copyrighted works (RFPs 8 and 9); and (b) disputes regarding ownership of the works at issue (RFP 13). See Ex. 1 at 10–11, 13. The Times refuses to respond to these requests in full. See id. As to RFPs 8 and 9, the Times has agreed to produce only “judicial or quasi-judicial determinations that any of the Asserted Works infringed a third party’s rights.” Dkt. 124-5 at 4. There is no basis for this limitation.

3. OpenAI thus requested, in RFP 14, correspondence between the Times and the Copyright

Office regarding the works at issue. The Times has agreed to produce only the deposit copies for the works. Here, too, the Times's limitation is untenable. Correspondence with the Copyright Office is directly relevant to the Times's claims.

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**NOTICE of Supplemental Authority re: 124 LETTER MOTION to Compel The New York Times Company to Produce Documents addressed to Judge Sidney H. Stein from Joseph R. Wetzel dated May 23, 2024. (Jun. 25, 2024)**

**LETTER RESPONSE of OpenAI in Opposition to Motion addressed to Judge Sidney H. Stein from Allyson R. Bennett; Joseph R. Wetzel; Nicholas S. Goldberg dated June 13, 2024 re: 141 LETTER MOTION for Conference Regarding Discovery Disputes With OpenAI addressed to Judge Sidney H. Stein from Ian B. Crosby and Steven Lieberman dated June 11, 2024.**

**LETTER MOTION of New York Times for Conference Regarding Discovery Disputes With OpenAI addressed to Judge Sidney H. Stein from Ian B. Crosby and Steven Lieberman dated June 11, 2024**

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**\*OpenAI Reply Memorandum in Supp. of OpenAI's Motion to Consolidate (Jul. 3, 2024)\***

**\*Microsoft Reply Memorandum of Law in Support of Motion to Consolidate (Jul. 3, 2024)\***

**\*RESPONSE to Motion re: 142**

MOTION to Consolidate Cases 1:24-cv-03285 . THE NEW YORK TIMES COMPANY'S RESPONSE TO OPENAI'S MOTION TO CONSOLIDATE. Document filed by The New York Times Company..(Crosby, Ian) (Jun. 27, 2024)\*

Motion of OpenAI to Consolidate New York Times lawsuit with Daily News lawsuit (Jun. 6, 2024), oral argument requested

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Various Discovery Disputes:

LETTER RESPONSE in Opposition to Motion from Allyson R. Bennett for defendants dated 06/05/2024 re: 128 LETTER MOTION for Conference regarding three disputes with OpenAI relating to The Time's First Set of Requests for Production from Ian B. Crosby and Steven Lieberman dated June 3, 2024. . Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc.. (June 6, 2024)\*

JOINT LETTER from parties' counsel dated June 5, 2024 re: Proposed ESI Order. (Entered: Jun. 5, 2024)\*

LETTER RESPONSE to Motion from Ian B. Crosby and Steven Lieberman dated June 4, 2024 re: 124 LETTER MOTION to Compel The New York Times Company to Produce Documents addressed to Judge Sidney H. Stein from Joseph R. Wetzel dated May 23, 2024. Joint Update. Document filed by The New York Times Company.(June 5, 2024);

Parties disagree on whether NYT must disclose what it did to get regurgitations from ChatGPT\*

DECLARATION of Andrew M. Gass re: 118 Notice (Other), // Declaration of Andrew M. Gass in Support of OpenAI Defendants' Response to Plaintiff's Motion for Leave to file First Amended Complaint and Conditional Cross-Motion. Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc.. (Attachments: # 1 Exhibit 1 – May 29, 2024 Email).(Gass, Andrew) (Entered: 06/03/2024)\*

RESPONSE re: 118 Notice (Other), // OpenAI Defendants' Memorandum of Law in Support of Response to Plaintiff's Motion for Leave to file First Amended Complaint and Conditional Cross-Motion. Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc...(Gass, Andrew) (Entered: 06/03/2024)\*

\*CROSS MOTION for Extension of Time to Complete Discovery. // Conditional Cross-Motion in the event Plaintiff's Motion for Leave to Amend is Granted. Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc...(Gass, Andrew) (Entered: 06/03/2024)\*

DECLARATION of Annette Hurst in Support re: 129 Opposition Brief. Document filed by Microsoft Corporation. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E).(Hurst, Annette) (Entered: 06/03/2024)\*

OPPOSITION BRIEF re: 118 Notice (Other), Microsoft's Conditional Opposition to The New York Times Company's Motion for Leave to File First Amended Complaint. Document filed by Microsoft Corporation..(Hurst, Annette) (Entered: 06/03/2024)\*

LETTER MOTION for Conference regarding three disputes with OpenAI relating to The Time's First Set of Requests for Production addressed to Judge Sidney H. Stein from Ian B. Crosby and Steven Lieberman dated June 3, 2024. Document filed by The New York Times Company. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E). (Crosby, Ian) (Entered: 06/03/2024)\*

Stipulated Protective Order (May 31, 2024)\*

LETTER RESPONSE in Opposition to Motion addressed to Judge Sidney H. Stein from Ian B. Crosby and Steven Lieberman dated May 28, 2024 re: 124 LETTER MOTION to Compel The New York Times Company to Produce Documents addressed to Judge Sidney H. Stein from Joseph R. Wetzel dated May 23, 2024. . Filed by The New York Times Company. (Attachments: # 1 Exhibit 1, # 2 Errata 2). (Crosby, Ian) (May 28, 2024)\*

LETTER MOTION to Compel The New York Times Company to Produce Documents addressed to Judge Sidney H. Stein from Joseph R. Wetzel dated May 23, 2024. Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc.. (Attachments: # 1 Exhibit A – Feb. 9 Letter, # 2 Exhibit B – Requests for Production, # 3 Exhibit C – Plaintiff’s Objections, # 4 Exhibit D – May 14 Email, # 5 Exhibit E – May 22 Email, # 6 Exhibit F – May 7 Letter, # 7 Exhibit G – May 15 Email, # 8 Exhibit H – May 17 Email).(Wetzel, Joseph) (May 23, 2024)\*

LETTER RESPONSE to Motion addressed to Judge Sidney H. Stein from Michelle Ybarra and Joseph R. Wetzel and Allyson R. Bennett dated May 22, 2024 re: 117 LETTER MOTION for Conference Concerning Plaintiff’s Request for Bi-monthly Status Conferences addressed to Judge Sidney H. Stein from Ian B. Crosby dated May 20, 2024. . Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc...(Ybarra, Michelle).(Entered: 05/22/2024)\*

LETTER RESPONSE to Motion addressed to Judge Sidney H. Stein from Jared B. Briant dated 05/22/2024 re: 117 LETTER MOTION for Conference Concerning Plaintiff’s Request for Bi-monthly Status Conferences addressed to Judge Sidney H. Stein from Ian B. Crosby dated May 20, 2024. .

Document filed by Microsoft Corporation..(Briant, Jared) (Entered: 05/22/2024)\*

New York Times Letter re: Warner Chappell v. Nealy decision (May 9, 2024)

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Microsoft reply to Opp. to MTD (May 3, 2024)

ORDER Having received the parties' Rule 26(f) Report and Proposed Case Management Plan (ECF No. 72), the Court HEREBY ORDERS the following deadlines:

- a. The last day to amend pleadings and join other parties is May 20, 2024.
- b. Substantial production of documents for all RFPs served by February 28, 2024 shall be completed by June 14, 2024.
- c. Fact discovery shall be completed by September 17, 2024.
- d. Opening expert reports shall be served by October 18, 2024.
- e. Responsive expert reports shall be served by November 18, 2024.
- f. Expert discovery shall be completed by December 9, 2024.
- g. Motions for summary judgment shall be filed on or before January 7, 2025.
- h. Oppositions to motions for summary judgment shall be filed on or before February 7, 2025.
- i. Replies in support of motions for summary judgment shall be filed on or before February 28, 2025.

(Amended Pleadings due by 5/20/2024., Expert Discovery due by 12/9/2024., Fact Discovery due by 9/17/2024., Joinder of Parties due by 5/20/2024., Motions due by

			<p>1/7/2025., Replies due by 2/28/2025., Responses due by 2/7/2025)</p> <p><u>California Plaintiffs' Notice of Interlocutory Appeal to Second Circuit re: denial of motion to intervene in SDNY lawsuit</u> (filed April 13, 2024)</p> <p><u>Judge Stein order denying California plaintiffs' motion to intervene (filed April 1, 2024)</u></p> <p><u>Microsoft reply to New York Times Opp.</u> (Mar. 25, 2024)  <u>OpenAI reply to New York Times Opp.</u> (Mar. 18, 2024).</p> <p><u>New York Times opposition to OpenAI's motion to dismiss</u> (Mar. 18, 2024)</p> <p><u>Defendant filed motion to dismiss</u> (Feb. 26, 2024).  <u>Complaint filed</u> (Dec. 28, 2023)</p>
<p><u>Daily News v. Microsoft</u></p>	<p>SDNY</p>	<p>Stain</p>	<p>*Order Referring Case to Magistrate Judge (Aug. 6, 2024)*</p> <p><u>Microsoft's REPLY MEMORANDUM OF LAW in Support re: 76 MOTION to Dismiss Counts IV, V, VI, and VIII. . Document filed by Microsoft Corporation (Jul. 2, 2024)</u></p> <p><u>OpenAI Reply Memorandum of Law in Support of Motion (Jul. 2, 2024)</u></p> <p>-----</p> <p>*RULE 26(f) DISCOVERY PLAN REPORT. (Jun. 28, 2024)</p> <p>-----</p> <p>*Plaintiffs' RESPONSE to Motion re: 87 Defendant's MOTION to Consolidate Cases 23-cv-11195 (Jun. 27, 2024)*</p> <p>-----</p>

			<p><u>PLAINTIFFS' MEMORANDUM OF LAW in Opposition re: [80] MOTION to Dismiss . OpenAI Defendants' Motion to Dismiss. Document filed by Chicago Tribune Company, LLC, DP Media Network, LLC, Daily News LP, Northwest Publications, LLC, ORB Publishing, LLC, Orlando Sentinel Communications Company, LLC, San Jose Mercury-News, LLC, Sun-sentinel Company, LLC..(June 25, 2024)</u></p> <p>RESPONSE to Motion re: 87 MOTION to Consolidate Cases 23-cv-11195</p> <p><b><u>Motion of OpenAI to Consolidate New York Times lawsuit with Daily News lawsuit (Jun. 6, 2024), oral argument requested</u></b></p> <p><u>ORDER granting 40 Letter Motion for Extension of Time to Answer re 40 LETTER MOTION for Extension of Time to File Answer or Move to Dismiss addressed to Judge Sidney H. Stein from Christopher J. Cariello and Joseph R. Wetzel dated May 15, 2024. Request granted. SO ORDERED. (Signed by Judge Sidney H. Stein on 5/20/2024) (jca) (Entered: 05/20/2024)</u></p> <p><b><u>Complaint filed April 30, 2024</u></b></p>
<p><b><u>The Center for Investigative Reporting, Inc. v. OpenAI</u></b></p>	<p>SDNY</p>	<p><b>Stain</b></p>	<p>CASE ACCEPTED AS RELATED. Create association to 1:23-cv-11195-SHS, New York Times v. Microsoft (Jul. 1, 2024).</p> <p>Magistrate Judge Ona T. Wang is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b) (1) parties are notified that they may consent to proceed before a United States Magistrate Judge.</p>

			<p>Parties who wish to consent may access the necessary form at the following link:  <a href="https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf">https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf</a></p> <p><b><u>Complaint filed (Jun. 27, 2024)</u></b></p>
<p><b><u>Huckabee v. Bloomberg</u></b></p>	<p>SDNY</p>	<p><b>Garnett</b></p>	<p><b><u>Huckabee response that oral argument is not necessary (May 14, 2024)</u></b></p> <p><u>Bloomberg letter requesting oral argument (May 7, 2024)</u></p> <p><u>Bloomberg Reply (May 3, 2024)</u></p> <p><b>Defendants’ Opp. to motion to dismiss (Apr. 19, 2024)</b></p> <p><b>Bloomberg motion to dismiss (Mar. 22, 2024)</b></p> <p>Plaintiffs’ opposition to the motion to dismiss shall be due <b>April 19, 2024</b>; Defendants’ reply in support of their motion to dismiss shall be due <b>May 3, 2024</b>.</p> <p>It is further ORDERED that discovery shall be stayed during the pendency of briefing on the motion to dismiss. Any party seeking to lift the stay on discovery may seek such relief by letter to the Court filed on ECF after Defendants’ reply is submitted.</p>
<p><b><u>Raw Story Media, Inc. v. OpenAI</u></b></p>	<p>SDNY</p>	<p><b>McMahon</b></p>	<p><b><u>Scheduling Order:</u></b>                  Completion of fact and expert discovery: <b>December 9, 2024</b>                  Joint pretrial order: <b>January 23, 2025</b></p> <p>The parties also request that the Court enter an order endorsing the following specific deadlines for expert reports, which the parties had not included in their Rule 26(f) report:  <b>October 18, 2024:</b> opening expert reports  <b>November 18, 2024:</b> rebuttal</p>

expert reports

JOINT MOTION for Scheduling Order . Document filed by AlterNet Media, Inc., Raw Story Media, Inc...(Topic, Matthew) (Entered: 06/25/2024)

NOTICE of Supplemental Authority filed by OpenAI re The Intercept Open re leave to amend to add specific allegations (Jun. 10, 2024)

Court denied (May 28, 2024). MOTION for Leave to File Sur-Reply . Document filed by AlterNet Media, Inc., Raw Story Media, Inc...(Topic, Matthew) (Entered: 05/23/2024)

REPLY MEMORANDUM OF LAW in Support re: 68 MOTION to Dismiss . . . Document filed by OAI Corporation, LLC, OpenAI GP LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI Inc., OpenAI LLC, OpenAI OpCo LLC..(Gratz, Joseph) (Entered: 05/20/2024)

Plaintiffs' Opposition to MTD (May 13, 2024)

Appearances by OpenAI's Attorneys from Keker, Van Nest & Peters:

- Robert Van Nest
- Paven Malhotra
- R. James Slaughter
- Michelle Sabrina Ybarra
- Katie Lynn Joyce
- Thomas Edward Gorman

Defendants' Motion to Dismiss (April 29, 2024)

ORDER SCHEDULING AN INITIAL PRETRIAL CONFERENCE: Initial Conference set for **4/18/2024 at 10:45 AM** in Courtroom 24A, 500 Pearl Street, New York, NY 10007

			<p>before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 3/6/2024)</p> <p><u>Complaint filed (Feb. 28, 2024)</u></p>
<p><u>Intercept Media Inc. v. OpenAI</u></p>	<p>SDNY</p>	<p>Rakoff</p>	<p><u>OpenAI's SUPPLEMENTAL MEMORANDUM OF LAW in Support re: 52 MOTION to Dismiss (Jul. 8, 2024)</u></p> <p><u>Microsoft's SUPPLEMENTAL MEMORANDUM OF LAW in Support re: 49 MOTION to Dismiss (Jul. 8, 2024)*</u></p> <p><u>First Amended Complaint (Jun. 21, 2024).</u></p> <p><u>ORDER: Accordingly, plaintiff must file an amended complaint by Friday, June 21, 2024. Defendants may then file a supplemental brief in support of their motions to dismiss by Monday, July 8, 2024; the Court will treat defendants' already filed motions as aimed at the amended complaint. Plaintiff may then file a supplemental brief in opposition to the renewed motions to dismiss by Monday, July 15, 2024. The Court will then promptly rule on the motions. SO ORDERED. (Signed by Judge Jed S. Rakoff on 6/6/2024)</u></p> <p><u>Miicrosoft Reply in support of MTD (May 16, 2024)</u></p> <p><u>OpenAI Reply in support of MTD (May 16, 2024).</u></p> <p><u>Plaintiff's Opposition to MTD (May 6, 2024).</u></p> <p>The oral argument on the motion to dismiss will now be held on Monday, June 3, 2024 at 10 AM (Oral Argument set for 6/3/2024 at 10:00 AM before Judge Jed S. Rakoff.).</p>

			<p>Appearances by OpenAI's Attorneys from Keker, Van Nest &amp; Peters:  <u><a href="#">Robert Van Nest</a></u>  <u><a href="#">Paven Malhotra</a></u>  <u><a href="#">R. James Slaughter</a></u>  <u><a href="#">Michelle Sabrina Ybarra</a></u>  <u><a href="#">Nicholas Samuel Goldberg</a></u>  <u><a href="#">Katie Lynn Joyce</a></u>  <u><a href="#">Thomas Edward Gorman</a></u></p> <p><u><a href="#">OpenAI motion to dismiss</a></u> (Apr. 15, 2024)  <u><a href="#">Microsoft motion to dismiss</a></u> (Apr. 15, 2024)</p> <p>Minute Entry for proceedings held before Judge Jed S. Rakoff.: Oral Argument set for 5/24/2024 at 10:00 AM before Judge Jed S. Rakoff</p> <p><u><a href="#">Supplemental Rule 26(f) report and Proposed Case Management Plan (filed April 2, 2024)</a></u></p> <p><u><a href="#">Complaint filed</a></u> (Feb. 28, 2024)</p>
<p><u><a href="#">UMG Recordings v. Uncharted Labs d/b/a/ Udio</a></u></p>	<p>SDNY</p>	<p>Hellerstein</p>	<p><u><a href="#">Answer by Udio (Aug. 1, 2024)</a></u></p> <p><u><a href="#">Stipulation and Order AND ~Util – Set Deadlines: Defendant to file answer or respond by 8/1/24. Plaintiff opposition if Defendant moves to dismiss due by 8/29/24. Defendant to file reply by 9/12/24.</a></u></p> <p>AFFIDAVIT OF SERVICE.          Uncharted Labs, Inc., d/b/a Udio.com served on 6/27/2024, answer due 7/18/2024. Service was accepted by Teresa Grandison, Authorized Agent.</p> <p>COMPLAINT refiled with proper copyright form against John Does 1-10, Uncharted Labs, Inc., d/b/a Udio.com. Document filed by Atlantic Recording</p>

			<p>Corporation, Warner Records LLC, Sony Music Entertainment, Rhino Entertainment Company, Warner Music International Services Limited, Warner Records/SIRE Ventures LLC, Capitol Records, LLC, Warner Music Inc., Arista Music, UMG Recordings, Inc., Warner Records Inc., Arista Records LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C). (Kaba, Moez) (Jun. 25,. 2024)</p> <p><b><u>Complaint filed (Jun. 24, 2024)</u></b></p>
<p><b><u>UMG Recordings v. Suno</u></b></p>	<p>D. Mass.</p>	<p><b>Saylor IV</b></p>	<p><b><u>Answer by Suno (Aug. 1, 2024)</u></b></p> <p>ORDER entered granting 13 Joint MOTION for Extension of Time to Respond to Complaint and to Establish Briefing Schedule. BRIEFING SCHEDULE:Defendant to file answer or respond by 8/1/24. Plaintiff opposition if Defendant moves to dismiss due by 8/29/24. Defendant to file reply by 9/12/24.</p> <p>Joint MOTION for Extension of Time to Respond to Complaint and to Establish Briefing Schedule by Suno, Inc..(Fellig, Shloime) (Jul. 9, 2024)</p> <p><b><u>Complaint filed (Jun. 24, 2024)</u></b></p>

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