

Chat GPT Is Eating the  
World

AI COPYRIGHT WARS, COPYRIGHT, LAWSUITS, ROSS INTELLIGENCE, STATUS,  
THOMSON REUTERS, THOMSON REUTERS V. ROSS INTELLIGENCE

**AI COPYRIGHT LAWSUITS:  
Status Report (Sept. 15, 2024)**

**Discovery rules.**



Status of all 30 copyright  
lawsuits v. AI (Sept. 15, 2024):  
Discovery rules

September 15, 2024

Here's the latest on all 30 copyright lawsuits against AI companies. Over the past two weeks, there wasn't any major development, perhaps due to the end of summer and the slow grind of discovery.

- On September 12, 2024, **Magistrate Judge Ona. T. Wang** in the Southern District of New York held a massive status conference to try to resolve various discovery disputes in *Authors Guild v. OpenAI* (along with consolidated cases *Alter and Basbanes*), *New York Times v. Microsoft*, *Daily News v. Microsoft*, *The Center for Investigative Reporting v. OpenAI*. The dockets do not show the outcome of the status conference. But the parties prepared an **8-page Table listing all of the outstanding issues by case** for the Magistrate Judge to resolve. They also submitted a **6-page Table organized by issue**. It will be interesting to see how many issues were resolved at the hearing.
- Meanwhile, in the Northern District of California, discovery also reigned. In *Kadrey v. Meta Platforms*, Magistrate Judge Thomas J. Hixson denied the Kadrey plaintiffs' request to conduct 35 depositions, just 18 days before fact discovery closes on September 30.
  - **Judge Hixson ruled**: **"It is sometimes said that timing is everything. Well, it turns out that's true for bad timing as well.** Plaintiffs request that the Court allow them to take 35 party depositions, exclusive of third-party depositions, or in the alternative they request a total of 180 hours of deposition testimony. **And they made that request . . . 18 days before the current close of fact discovery.** See ECF No. 143 (September 12, 2024 motion to extend deposition limits); ECF No. 87 (fact discovery closes September 30, 2024). If Plaintiffs had taken 30 depositions or 150 hours of deposition testimony to date, then this motion wouldn't be so bad because taking a few more depositions in the second half of September wouldn't be a problem. **But since Plaintiffs have taken zero depositions**, the 35 party depositions (plus non-party depositions), or alternatively the 180 hours of deposition testimony, would all have to occur in the second half of September, which is obviously impossible. Therefore, Plaintiffs' motion is DENIED."
  - Judge Hixson hasn't ruled on the plaintiffs' motion to extend discovery until January 6, 2025. So, don't worry, the plaintiffs may still get a chance to take depositions. But it's unclear why they haven't taken any yet, although the **plaintiffs' motion to extend time** gets into the discovery of 13,000 documents from Meta in mid July, including 1,000 in French (easy to guess who those documents come from!), and then apparently 2,700 additional documents some time later.
- In *Sarah Andersen v. Stability AI*, the parties are disputing Midjourney's **Administrative Motion for Clarification** or alternatively request for leave to file a motion for reconsideration of Judge Orrick's order denying in part the motion to dismiss the plaintiff's trade dress claims. Citing Judge Orrick's decision in **Arcsoft, Inc. v. Cyberlink Corp.**, Midjourney argues that the plaintiff must include in their complaint "a complete recitation of the concrete elements of

[their] alleged trade dress.” The Sarah Andersen plaintiffs **object to the propriety of filing** such a motion after Judge Orrick already issued his ruling.

- As indicated below, a number of the cases had their scheduling orders issued. It looks like we won't be seeing decisions in the cases until 2025, at the earliest. And that includes *Thomson Reuters v. ROSS Intelligence*, whose trial was set to begin August 23 but was continued indefinitely on the eve of trial so Judge Bibas can entertain renewed motions for summary judgment.

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

Case name	Jurisdiction	Judge	Latest status
<p><b><u>Thomson Reuters Enterprise Centre GmbH et al v. ROSS Intelligence Inc.</u></b></p>	<p>D. Del.</p>	<p>Bibas</p>	<p><b>*TRIAL continued indefinitely. Judge Bibas invites renewed motions for summary judgment.</b></p> <p>ORDER: In response to the parties' joint letter at D.I. 666, I GRANT the parties' proposed summary judgment briefing schedule and proposed brief lengths. Any opening briefs in support of a motion for summary judgment shall not exceed 40 pages and shall be filed by <b>Tuesday, October 1, 2024 at 5 p.m. EDT</b>. Any opposing briefs shall not exceed 40 pages and shall be filed by <b>Wednesday, October 30, 2024 at 5 p.m. EDT</b>. Any reply briefs shall not exceed 30 pages and shall be filed by <b>Wednesday, November 13, 2024 at 5 p.m. EDT</b>.</p> <p>All documents shall be double-spaced with one-inch margins and at least 12-point type. I also GRANT the parties' request to continue to meet and confer about hearing dates, and I ORDER the parties to provide mutually agreeable dates to the Court by Tuesday, October 1, 2024 at 5 p.m. These dates may include dates in early 2025. As for the substantive question raised by the parties, though</p>

Ross may move for summary judgment on copyrightability and infringement, the Court is unlikely to grant that motion, and Plaintiffs should not file any brief opposing such motion unless and until the Court asks for a response. Ordered by Judge Stephanos Bibas on 8/29/2024.

ORAL ORDER: Based on this morning's discussion with the parties, I CONTINUE this trial without setting a future date. I rescind all rulings made orally to the parties at the Zoom teleconference on Tuesday, August 20, 2024. Instead, I invite Thomson Reuters to renew its motions for summary judgment on those issues and Ross to renew its cross-motion for summary judgment on fair use. Thus, the parties may submit two sets of additional briefing on (1) copyrightability, validity, and infringement, and (2) the defense of fair use. In the briefing, the parties may also choose to address merger, scenes a faire, copyright misuse, and innocent infringement, as I instructed this morning. The parties shall meet and confer on a new briefing schedule, page limits, and dates for a two-day summary judgment hearing. The parties shall propose a joint scheduling order to the Court by 5 p.m. EDT on Wednesday, August 28. Ordered by Judge Stephanos Bibas on 8/22/2024

Joint Letter to The Honorable Stephanos Bibas from David E. Moore and Michael J. Flynn regarding Summary Judgment – re 663 Oral Order,,,, Terminate Hearings,,,, Set Deadlines,,,, (Moore, David) (Entered: 08/28/2024)

STATEMENT re 659 Statement

(Plaintiffs' Response to ROSS's Statement and Request for a Continuance) – by Thomson Reuters Enterprise Centre GmbH, West Publishing Corporation. (Flynn, Michael). (Entered: 08/21/2024)

[SEALED] MOTION for Leave to File [ROSS Intelligence's Motion to Amend Final Pretrial Order] – filed by ROSS Intelligence Inc.. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A – Redline, # 3 Exhibit B – Amended Final Pretrial Order) (Moore, David) (Aug. 21, 2024)

\*[SEALED] STATEMENT [Defendant's Response to the Court's Sua Sponte Summary Judgment Decision and Request for Continuance and Teleconference] by ROSS Intelligence Inc.. (Attachments: # 1 Exhibit A-F)(Moore, David) (Entered: 08/21/2024)

VERDICT SHEET by Thomson Reuters Enterprise Centre GmbH, West Publishing Corporation – Revised Proposed Verdict Form- (Aug 15, 2024)

VERDICT SHEET by ROSS Intelligence Inc. – Second Revised. (Aug. 12, 2024)

Proposed Jury Instructions by ROSS Intelligence Inc. -Second Revised. (Aug. 12, 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)

**Copyrightability of Headnotes**

ORAL ORDER: During the pretrial conference on August 6, 2024, I addressed the issue of headnote filtration. I now enter that order on the docket. At this time, I will not filter out any headnotes as uncopyrightable for two separate reasons. First, there is the possibility that a jury could find sufficient creativity in Plaintiffs' selection and arrangement of the headnotes to establish a valid copyright. Second, even if the only consideration for copyrightability is whether the headnote text is the same as judicial opinion text, Ross's list of headnotes included some headnotes that sufficiently differ from the text of judicial opinions that a reasonable jury could find meaningful change and creativity sufficient to establish a valid copyright. So I cannot filter out the group of headnotes Ross listed. (Aug. 7, 2024)

REDACTED VERSION of 636 Statement, by Thomson Reuters Enterprise Centre GmbH, West Publishing Corporation. (Flynn, Michael) (Aug.14, 2024)\*

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>August 26, 2024, at 9:00 a.m: Trial on the copyright issues will begin in Wilmington, Delaware and will last five days.</p> <p>August 23, 2024, at 10:00 a.m. Jury selection.</p>
<p><u>Getty Images (US), Inc. v. Stability AI Ltd</u></p>	<p>D. Del.</p>	<p>Hall</p>	<p><u>REQUEST for Oral Argument by Getty Images (US), Inc. re 45 MOTION to Dismiss for Failure to Join a Party MOTION to Dismiss for Lack of Jurisdiction Over the Person, 48 MOTION to Transfer Case to Northern District of California. (Aug. 26, 2024).</u></p> <p>Defendant’s Motion to Transfer</p> <p><u>REPLY BRIEF re 48 MOTION to Transfer Case to Northern District of California filed by Stability AI US Services Corporation, Stability AI, Inc., Stability AI, Ltd.. (Flynn, Michael) (Entered: 08/19/2024)</u></p> <p><u>REDACTED VERSION of 55 Answering Brief in Opposition by Getty Images (US), Inc.. (Vrana, Robert) (Entered: 08/21/2024).</u></p> <p>[SEALED] ANSWERING BRIEF in Opposition re 48 MOTION to Transfer Case to Northern District of California, filed by Getty Images (US), Inc. Reply Brief due date per Local Rules is 8/19/2024.</p> <p><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></p> <p>Defendant’s Motion to Dismiss</p> <p><u>REPLY BRIEF re 45 MOTION to</u></p>

		<p><u>Dismiss for Failure to Join a Party MOTION to Dismiss for Lack of Jurisdiction Over the Person filed by Stability AI US Services Corporation, Stability AI, Inc., Stability AI, Ltd.. (Flynn, Michael) (Entered: 08/19/2024)</u></p> <p><u>REDACTED VERSION of 54 Answering Brief in Opposition, by Getty Images (US), Inc.. (Vrana, Robert) (Entered: 08/21/2024)</u></p> <p>[SEALED] ANSWERING BRIEF in Opposition re 45 MOTION to Dismiss for Failure to Join a Party, MOTION to Dismiss for Lack of Jurisdiction Over the Person, filed by Getty Images (US), Inc. Reply Brief due date per Local Rules is 8/19/2024. (Vrana, Robert)</p> <p><u>OPENING BRIEF in Support re 45 MOTION to Dismiss for Failure to Join a Party MOTION to Dismiss for Lack of Jurisdiction Over the Person filed by Stability AI US Services Corporation, Stability AI, Inc., Stability AI, Ltd.. Answering Brief/Response due date per Local Rules is 8/12/2024. (Flynn, Michael) (Entered: 07/29/2024)</u></p> <p>_____</p> <p><u>Joint STATUS REPORT in Response to Oral Order (D.I. 51) by Getty Images (US), Inc.. (Vrana, Robert) (Aug. 9, 2024)</u></p> <p>_____</p> <p><u>Second Amended Complaint (Jul. 8, 2024)</u></p> <p><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></p>
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<p><u>Vacker v. Eleven Labs, Inc.</u></p>	<p>D. Del.</p>	<p>Andrews</p>	<p>*STIPULATION and Proposed Order to Extend Time (*Reset Answer Deadlines: ElevenLabs, Inc. answer due 10/21/2024). Signed by Judge Richard G. Andrews on 9/13/2024*</p> <p><u>Complaint filed Aug. 29, 2024</u></p>
<p><u>Doe 1 v. Github, Inc.</u></p>	<p>ND Cal.</p>	<p>Tigar</p>	<p><u>NOTICE by J. DOE 1, J. DOE 2, J. Doe 3, J. Doe 4, J. Doe 5 OF SUPPLEMENTAL AUTHORITY citing Andersen v. Stability AI partial denial of MTD (Aug. 15, 2024)</u></p> <hr/> <p><u>*REPLY (re 268 MOTION for Leave to Appeal PURSUANT TO 28 U.S.C. § 1292(B) to OPENAI Opposition (filed Sept. 11, 2024)</u></p> <p><u>*REPLY (re 268 MOTION for Leave to Appeal PURSUANT TO 28 U.S.C. § 1292(B) ) TO DEFENDANTS GITHUB AND MICROSOFTS OPPOSITION</u></p> <p><u>OPPOSITION/RESPONSE (re 268 MOTION for Leave to Appeal PURSUANT TO 28 U.S.C. § 1292(B) ) filed by OAI (8/21/2024)*</u></p> <p><u>OPPOSITION/RESPONSE (re 268 MOTION for Leave to Appeal PURSUANT TO 28 U.S.C. § 1292(B) ) filed by GitHub, Inc., Microsoft Corporation. (Hurst, Annette) (Filed on 8/21/2024)*</u></p> <p><u>Motion for Interlocutory Appeal</u>  <u>*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.</u></p> <hr/> <p><u>*CORRECTED NOTICE OF</u></p>

VOLUNTARY DISMISSAL OF  
DEFENDANT OPENAI  
INVESTMENT LLC WITHOUT  
PREJUDICE PURSUANT TO  
FED.

R. CIV. P. 41(a)(1)(A)(i)\*

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

\*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’ 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.\*

Joint Stipulation that  
Defendants’ Answer to  
Plaintiff’s Second Amended  
Complaint is due on July 15,  
2024.\* (Jul. 3, 2024)

			<p><a href="#"><u>OpenAI Supplemental Authority re Joint Discovery Letter (May 5, 2024)</u></a></p> <p><a href="#"><u>Joint Discovery Letter (April 18, 2024)</u></a></p> <p><a href="#"><u>Judge Tigar order denying Plaintiffs' motion for reconsideration of dismissal of CMI claims (filed Apr. 15, 2024)</u></a></p> <p><a href="#"><u>Doe 1 Opp. to Microsoft's MTD (Mar. 27, 2024)</u></a></p> <p><a href="#"><u>Doe 1 Opp. to OpenAI MTD (Mar. 27, 2024)</u></a></p> <p>Defendants <b>moved to dismiss</b> 2d amended complaint claims under 1202 of DMCA and breach of contract.</p> <p><a href="#"><u>Judge Tigar granted in part</u></a> Github, Microsoft's motion to dismiss, leaving only 3 claims for breach of contract and unfair competition. [<a href="#"><u>Summary</u></a>]</p>
<p><a href="#"><u>Sarah Andersen v. Stability AI Ltd</u></a></p>	<p>ND Cal.</p>	<p>Orrick</p>	<p><b><a href="#"><u>*MOTION TO STRIKE DEFENDANT MIDJOURNEY, INC'S REPLY IN SUPPORT OF ADMINISTRATIVE MOTION FOR CLARIFICATION (Sept. 13, 2024)</u></a></b></p> <p><b><a href="#"><u>*Midjourney REPLY (re 225 ADMINISTRATIVE MOTION for Clarification</u></a></b></p> <p><b><a href="#"><u>*Plaintiffs' OPPOSITION/RESPONSE (re 225 ADMINISTRATIVE MOTION for Clarification</u></a></b></p> <p><b><a href="#"><u>*Midjourney ADMINISTRATIVE MOTION for Clarification (Civ. L.R. 7-11) or, in the Alternative, Leave to Seek Reconsideration of Order Granting in Part and Denying in Part Midjourney's Motion to Dismiss (Civ. L.R. 7-9) re 223 Order on Motion to Dismiss...</u></a></b></p>

filed by Midjourney, Inc..

Responses due by 9/9/2024. (Sept. 5, 2024)

ORDER GRANTING IN PART AND DENYING IN PART MOTIONS TO DISMISS FIRST AMENDED COMPLAINT by Judge William H. Orrick re: 160, 162, 163, 164, 169 Motions to Dismiss (Aug 12, 2024)

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)

Judge Orrick's Tentative Rulings re MTD (May 7, 2024)

Runway Reply in supp. MTD  
(Apr. 18, 2024)

Runway Reply re Judicial Notice exhibits + webpages  
(Apr. 18, 2024)

DeviantArt Reply in supp. MTD  
(Apr. 18, 2024)

Stability AI Reply in supp. MTD  
(Apr 18, 2024)

Midjourney Reply in supp. MTD  
(Apr. 18, 2024)

Midjourney Reply re Judicial Notice exhibits + webpages  
(Apr. 18, 2024)\*

**Hearing: May 8, 2024, 2 PM PDT**

Plaintiffs' Opp. to Runway AI's MTD (Mar. 21, 2024)

Plaintiffs' Opp. to DeviantArt's MTD (Mar. 21, 2024)

Plaintiffs' Opp. to Stability AI's MTD (Mar. 21, 2024)

Plaintiffs' Opp. to Midjourney's MTD (Mar. 21, 2024)

Runway AI filed MTD (Feb. 8, 2024).

DeviantArt filed MTD (Feb. 8, 2024).

Stability AI filed MTD (Feb. 8,

			<p>2024).  <u>Midjourney filed MTD</u> (Feb. 8, 2024).  <u>First Amended Complaint</u>.</p>
<p><b>Zhang v. Google</b>  *related to J.L. v. Alphabet</p>	<p>N.D. Cal.</p>	<p><b>Lee</b></p>	<p>ORDER REASSIGNING CASE. IT IS ORDERED that this case is reassigned to the Honorable Eumi K. Lee in the San Jose Division for all further proceedings.</p> <p>1. All future filings shall bear the initials EKL immediately after the case number.2. All case management conference dates are vacated and will be reset by the Court.3. All hearing dates presently scheduled are VACATED. However, existing briefing schedules for motions remain unchanged. Motions must be RENOTICED for hearing before Judge Lee by the moving party for a date consistent with the Court’s law and motion calendar, but the renoticing of the hearing does not affect the prior briefing schedule.4. (Aug. 21, 2024)</p> <p><u>Statement of Recent Decision citing Andersen v. Stability AI partial denial of MTD (Aug. 15, 2024).</u></p> <hr/> <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><b>Motion to Dismiss by Google</b>  Clerk’s Notice Setting Motion Hearing. 24 Motion to Dismiss Hearing set for 1/9/2025 at 02:00 PM in San Francisco,</p>

		<p>Courtroom 10, 19th Floor before Judge Araceli Martinez-Olguin.</p> <p><u>REPLY (re 24 MOTION to Dismiss Complaint and Memorandum of Points and Authorities in Support Thereof ) filed byAlphabet Inc., Google LLC.</u></p> <p>*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)*</p> <p><u>Plaintiffs' Opposition to Google's Motion to Dismiss (Jul. 18, 2024)</u></p> <p><u>Google's Motion to Dismiss parts of Count I and all of Count II (Jun. 20, 2024)</u></p> <p><u>Googles Motion Requesting Judicial Notice of Materials Incorporated by Reference in Supp. of Mtn. to Dismiss (Jun. 20, 2024)</u></p> <hr/> <p><u>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 <a href="http://cand.uscourts.gov/cameras">http://cand.uscourts.gov/cameras</a>. Case Management Statement due by 8/15/2024.</u></p> <p>Initial Case Management Conference set for 8/22/2024 10:00 AM in San Jose, Courtroom 4, 5th Floor.</p> <p><u>Complaint filed on Apr. 26, 2024</u></p>
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<p><b><u>J.L. v. Alphabet Inc</u></b>                  *related to Zhang v. Google</p>	<p>N.D. Cal.</p>	<p><b>Lee</b></p>	<p>ORDER REASSIGNING CASE.                  IT IS ORDERED that this case is reassigned to the Honorable Eumi K. Lee in the San Jose Division for all further proceedings.                  1. All future filings shall bear the initials EKL immediately after the case number.2. All case management conference dates are vacated and will be reset by the Court.3. All hearing dates presently scheduled are VACATED. However, existing briefing schedules for motions remain unchanged. Motions must be RENOTICED for hearing before Judge Lee by the moving party for a date consistent with the Court’s law and motion calendar, but the renoticing of the hearing does not affect the prior briefing schedule.</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><b>Motion to Dismiss</b></p> <p><b><u>*Google REPLY (re 55 MOTION to Dismiss Second Amended Complaint and Memorandum of Points and Authorities in Support Thereof ) filed byGoogle LLC. (Sept. 12, 2024)*</u></b></p> <p><b><u>OPPOSITION/RESPONSE (re 55 MOTION to Dismiss Second Amended Complaint and Memorandum of Points and Authorities in Support Thereof ) filed byjill Leovy. (Clarkson,</u></b></p>
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Ryan) (Filed on 8/22/2024).

**MOTION to Dismiss Second Amended Complaint and Memorandum of Points and Authorities in Support Thereof filed by Google LLC. Motion to Dismiss**

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

**Motion to Relate Cases**

NOTICE by Sarah Andersen, Jessica Fink, Hope Larson, Jingna Zhang Zhang Plaintiffs’ Response in Opposition to Defendants’ Renewed Motion to Relate (Jul. 30, 2024)

ADMINISTRATIVE MOTION to Consider Whether Cases Should Be Related filed by Google LLC. Responses due by 7/15/2024. (Jul. 11, 2024).

**AMENDED COMPLAINT Second Amended Class Action Complaint against Google LLC. Filed by Jill Leovy. (Jun. 26, 2024) –REDLINE Second Amended Complaint**

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

			<p><u>Cousart</u>,  <u>Google’s motion to dismiss Plaintiffs’ amended complaint is GRANTED, without prejudice.</u>  <u>Plaintiffs shall file a second amended complaint within 21 days of this order.</u></p> <p><u>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</u></p> <p><u>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.</u></p> <hr/> <p><u>Google reply</u> (filed April 5, 2024), hearing for May 16, 2024, 2 PM</p> <p><u>Plaintiffs’ Opp. to Google MTD</u> (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><u>Richard Kadrey v. Meta Platforms, Inc.</u></p> <p><u>Chabon v. Meta Platforms</u>                  consolidated with Kadrey v. Meta Platforms above</p>	<p>ND Cal.</p>	<p>Chhabria</p>	<p>Discovery Disputes</p> <p><u>*Order GRANTING Meta’s motion to compel and ORDERS Plaintiffs to produce documents</u></p>

**Huckabee v. Meta Platforms****Inc**

(dismissed without prejudice and tolling). \*SDNY case v. Bloomberg ongoing ND Cal. (transferred from SDNY)

responsive to RFP 1 that are within their possession, custody, or control by September 30, 2024. If they have already done this, then they have nothing more to do. (Sept. 13, 2024)\*

\*Order denying Plaintiffs' request to take 35 depositions made 18 days before close of discovery (Sept. 13, 2024)\*

\*OPPOSITION/RESPONSE (re 129 MOTION for Extension of Time to Complete Discovery.) filed by Meta Platforms (filed Sept. 10, 2024)

\* MOTION for Extension of Time to Complete Discovery from Sept. 30, 2024 until January 6, 2024 filed by Ta-Nehisi Coates and Plaintiffs (Sept. 6, 2024) \*

\* AMENDED COMPLAINT Corrected Second Consolidated Amended Complaint against Meta Platforms, Inc.. Filed by Rachel Louise Snyder, David Henry Hwang, Ta-Nehisi Coates, Sarah Silverman, Andrew Sean Greer, Richard Kadrey, Matthew Klam, Junot Diaz, Christopher Golden, Laura Lippman, Lysa TerKeurst, Jacqueline Woodson. (Straite, David). (Filed on 9/9/2024). Modified on 9/9/2024 \*

ORDER by Magistrate Judge Thomas S. Hixson granting 110 Stipulation for in person discovery hearing. Discovery Hearing set for 8/22/2024 at 9:00 AM in San Francisco, Courtroom E, 15th Floor before Magistrate Judge Thomas S. Hixson.\* (Aug. 14, 2024)

			<p><u>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)</u></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)  <u>First Amended Complaint</u> 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:  <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>	<p>ND Cal.</p>	<p><b>Araceli Martinez-Olguin</b></p>	<p><b>*ANSWER to Amended Complaint by OpenAI GP, L.L.C., OpenAI OpCo, L.L.C., OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., OpenAI Startup Fund Management, LLC, OpenAI, Inc., OpenAI, L.P. (Gatz, Joseph) (Filed on 8/27/2024) (Entered: 08/27/2024)*</b></p> <hr/> <p><u>Order by Judge Araceli Martinez-Olguin granting 172 Stipulation to Extend Case Deadlines. Substantial Completion of Document Productions due by 9/12/2024.</u></p> <p>Close of Fact Discovery due by 1/27/2025.</p> <p>Expert Reports due by 4/14/2025.</p> <p>Opposing/Rebuttal Expert Reports due by 5/12/2025.</p> <p>Close of Expert Discovery due by 6/11/2025.</p> <p>Daubert Motions due by</p>

7/9/2025. Opposition due by 5/12/2025.

Reply due by 6/11/2025.

Motion for Class Certification due by 7/9/2025.

Opposition due by 8/21/2025.

Reply due by 9/22/2025.

Order by Magistrate Judge Robert M. Illman granting in part and denying in part 163 Discovery Letter Brief. (Jul. 31, 2024).

\*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.\*

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).

			<p><u>Defendants' Reply in supp. MTD</u> (Apr. 19, 2024) -Hearing Aug. 1, 2024, 2 PM PDT</p> <p><u>Plaintiffs' Opposition to MTD</u> (filed April 10, 2024)</p> <p><u>OpenAI's motion to dismiss 1st amended consolidated complaint</u> (Mar. 27, 2024)</p> <p><u>Plaintiffs' First Consolidated Amended Complaint</u> filed (Mar. 13, 2024)</p> <p><u>Order Denying Motion by Tremblay to Enjoin Defendants from Litigating in SDNY</u></p> <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><u>Pretrial Order No. 1 with stipulation and Order to consolidate cases</u></p>
<u>Bartz v. Anthropic, Inc.</u>	N.D. Cal.	Alsup	<p><u>*SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE IN CIVIL CASES BEFORE JUDGE WILLIAM ALSUP. (whalc2, COURT STAFF) (Filed on 8/23/2024)*</u></p> <p><u>* SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE IN CIVIL CASES BEFORE JUDGE WILLIAM ALSUP. (whalc2, COURT STAFF) (Filed on 8/23/2024)*</u></p> <p><u>Complaint filed (Aug 20, 2024)</u></p>
<u>Millette v. OpenAI</u> (*noncopyright case) (related case)	N.D. Cal.	Davila	<p><u>* Notice of Voluntary Dismissal of Some of Defendants OpenAI, L.P., OpenAI GP, L.L.C., OpenAI Startup Fund</u></p>

			<p><b><u>I, L.P., OpenAI Startup Fund GP I, L.L.C., and OpenAI Startup Fund Management, LLC as not related to the litigation (Sept. 11, 2024)</u></b></p> <p><b>*CLERKS NOTICE RESETTING CASE MANAGEMENT CONFERENCE FOLLOWING REASSIGNMENT. Joint Case Management Statement due by 10/25/2024. Initial Case Management Conference set for 11/7/2024 at 10:00 AM in San Jose, Courtroom 4, 5th Floor before Judge Edward J. Davila. The Court does not issue a revised Initial Case Management Scheduling Order with ADR Deadlines. Standing orders can be downloaded from the court's web page at <a href="https://www.cand.uscourts.gov/judges/davila-edward-j-ejd/">https://www.cand.uscourts.gov/judges/davila-edward-j-ejd/</a>.</b></p> <p><b><u>Order Relating Case AND -Util – Create Case Relationship (Aug. 28, 2024)</u></b></p> <p><b><u>Case Management Scheduling Order (Aug. 15, 2024)</u></b></p> <p>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 10/31/2024. Initial Case Management Conference set for 11/7/2024 10:00 AM in San Francisco, Courtroom E, 15th Floor.</p> <p><b><u>Complaint filed (Aug. 2, 2024)</u></b></p>
<p><b><u>Millette v. Google</u></b> (*noncopyright case) (related case)</p>	<p>N.D. Cal.</p>	<p>Davila</p>	<p><b><u>*Joint Stipulation: "WHEREAS, on August 30, the parties agreed to the following proposed briefing schedule on any Motion to Dismiss that is filed on November 4, 2024: □ Plaintiff's Opposition to the Motion to Dismiss or amendment of the</u></b></p>

			<p><b><u>Complaint: December 16, 2024</u></b>  <u>□ Defendants' Reply in support of Motion to Dismiss: January 16, 2025"</u></p> <p><u>Order Relating Case AND ~Util – Create Case Relationship AND ~Util – Terminate Motions (Aug. 28, 2024)</u></p> <p><b><u>Stipulation and Proposed Order (Aug. 30, 2024)</u></b></p> <p><b><u>COMPLAINT filed on 8/2/2024</u></b></p>
<p><b><u>Millette v. NVIDIA</u></b>                  (*noncopyright case)                  (related case)</p>	N.D. Cal.	Davila	<p><b><u>*Order Relating Case AND ~Util – Create Case Relationship AND ~Util – Terminate Motions (Aug. 28, 2024)*</u></b></p> <p><b><u>Complaint filed on Aug. 14, 2024</u></b></p>
<p><b><u>Abdi Nazemian v. NVIDIA Corp.</u></b></p>	N.D. Cal.	Tigar	<p><b><u>*JOINT STIPULATION AND ORDER RE CASE SCHEDULE by Judge Jon S. Tigar Stipulated Deposition Protocol/Joint Brief due by 03/25/2025. Amended Pleadings due by 4/15/2025. Substantial Completion of Production due by 07/01/2025. Complete Production of Privilege Logs due by 07/17/2025. Close of Fact Discovery due by 11/20/2025. Expert Reports due by 1/7/2026. Rebuttal Expert Reports due by 2/18/2026. Service of Expert Reply Reports due by 04/01/2026. Close of Expert Discovery due by 4/17/2026. Summary Judgment and Daubert Motions due by 5/19/2026. Oppositions due by 6/16/2026. Replies due by 7/14/2026*</u></b></p> <p><b><u>*ORDER allowing Defendant Nvidia Corporation's request that the parties be allowed to file summary judgment motions on the question of fair use prior to this Court's consideration of</u></b></p>

			<p><u>whether to certify this case as a class action (Sept. 9, 2024)*</u></p> <hr/> <p>Report of Rule 26(f) Planning Meeting (Jul. 3, 2024)</p> <p>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 reassigned to Judge Tigar</p> <p>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.</p> <p>Complaint filed (Mar. 8, 2024)</p>
<p><u>Dubus v. NVIDIA Corp.</u></p>	<p>N.D. Cal.</p>	<p>Tigar</p>	<p><u>*JOINT STIPULATION AND ORDER RE CASE SCHEDULE by Judge Jon S. Tigar re (70 in 4:24-cv-01454-JST) and (58 in 4:24-cv-02655-JST). Stipulated Deposition Protocol/Joint Brief due by 03/25/2025. Amended Pleadings due by 4/15/2025. Substantial Completion of Production due by 07/01/2025. Complete Production of Privilege Logs due by 07/17/2025. Close of Fact Discovery due by 11/20/2025. Expert Reports due by 1/7/2026. Rebuttal Expert Reports due by 2/18/2026. Service of Expert Reply Reports due by 04/01/2026. Close of Expert Discovery due by 4/17/2026. Summary Judgment and Daubert Motions due by 5/19/2026. Oppositions due by 6/16/2026. Replies due by 7/14/2026. (dms, COURT</u></p>

**STAFF** (Filed on 9/11/2024)\*

Case Management Conference  
– Initial AND ~Util – Set  
Deadlines/Hearings AND ~Util  
– Teleconference Zoom (Aug.  
30, 2024)

Minute Entry for proceedings  
held before Judge Jon S. Tigar:  
Initial Case Management  
Conference held on  
8/29/2024. Case is heard with  
24-cv-1454-JST. Parties are  
ordered to meet and confer  
regarding the proposals of  
Magistrate Judges for discovery  
purposes. Plaintiff's Counsel  
Joseph Saveri will prepare and  
submit the proposed order. Joint  
Case Management Statement  
due by 12/6/2024. Further  
Case Management Conference  
set for 12/13/2024 at 01:30 PM  
– 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/j](https://www.cand.uscourts.gov/jst)

[st](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. One list of names  
of all counsel appearing for all  
parties must be sent in one  
email to the CRD at

[jstcrd@cand.uscourts.gov](mailto:jstcrd@cand.uscourts.gov) no

later than 12/12/2024 at  
1:30PM 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:

			<p><a href="https://www.cand.uscourts.gov/zoom/">https://www.cand.uscourts.gov/zoom/</a>. Total Time in Court: 23 minutes. Court Reporter: Not Reported. Plaintiff Attorney: Bryan Clobes; James Ulwick. Defendant Attorney: Andrew Schapiro; Sean Pak. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dms, COURT STAFF) (Date Filed: 8/30/2024)</p> <hr/> <p><b><u>ANSWER to Complaint by NVIDIA Corporation. (Pak, Sean) (7/1/2024)</u></b></p> <p>Case reassigned to Judge Tigar as related case (May 29, 2024)</p> <p><b><u>Complaint filed May 2, 2024</u></b></p>
<p><b><u>O’Nan v. Databricks, Mosaic ML</u></b></p>	<p>N.D. Cal.</p>	<p>Breyer</p>	<p><b><u>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 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.)</u></b></p> <p><b><u>DEFENDANTS’ RESPONSE TO COURT ORDER DIRECTING RESPONSE RE: CASE SCHEDULE (Jul. 8, 2024)</u></b></p> <p><b><u>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,</u></b></p>

			<p><u>2024</u>),</p> <p><u>*Order finding Makkai v. Databricks is related case (May 13, 2024)*</u></p> <p><u>*Defendants' Answer (May 2, 2024)*</u></p> <p><u>Complaint filed (Mar. 8, 2024)</u></p>
<p><u>Makkai v. Databricks, Inc., Mosaic ML</u></p>	<p>N.D. Cal.</p>	<p>Breyer</p>	<p>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 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><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>. 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. Case reassigned to Judge Charles R. Breyer for all further proceedings. Judge Jeffrey S. White no longer assigned to case.</u></p>

			<b><u>Complaint filed May 2, 2024</u></b>
<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>Lee</b></p>	<p><b><u>*JOINT CASE MANAGEMENT STATEMENT (Sept. 12, 2024)</u></b></p> <p><b><u>Motion to Dismiss</u></b></p> <p><b><u>*OPPOSITION/RESPONSE (re 205 MOTION to Dismiss ) filed by Plaintiffs (Sept. 5, 2024)*</u></b></p> <p><b><u>MOTION to Dismiss filed by Anthropic PBC. Motion to Dismiss Hearing set for 10/10/2024 10:00 AM in San Francisco, Courtroom 08, 19th Floor. Responses due by 9/5/2024. Replies due by 9/17/2024.</u></b></p> <hr/> <p><b><u>JOINT CASE MANAGEMENT STATEMENT 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.. (Attachments: # 1 Exhibit A – Proposed Case Schedule) (Chung, Timothy) (Filed on 8/8/2024) Modified on 8/9/2024</u></b></p> <p><b><u>Exhibit A – Proposed Case Schedule</u></b></p> <hr/> <p><b><u>Motion for Preliminary Injunction</u></b></p> <p><b><u>*REPLY (re 179 MOTION for Preliminary Injunction ) (Redacted) filed by Plaintiffs (Sept. 12, 2024)*</u></b></p> <p><b><u>MOTION to File Amicus Curiae Brief filed by Chamber of Progress, NetChoice, LLC. Responses due by 9/12/2024. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Tuttle, Eric)</u></b></p>

**(Filed on 8/29/2024),**  
**– attached amicus brief**

OPPOSITION/RESPONSE (re 179 MOTION for Preliminary Injunction ) (Redacted) filed byAnthropic PBC (Sept. 22, 2024)

**\*Set/Reset Deadlines as to 179 MOTION for Preliminary 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.

Prpoosed Amici Brief (Aug. 5, 2024) by RIAA and Other Trade Groups

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

			<p><u>District of California and close the case. Signed by District Judge Waverly D. Crenshaw, Jr on 6/24/2024</u></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><b><u>COMPLAINT against Anthropic PBC (Oct. 18, 2023)</u></b></p>
<p><b><u>Authors Guild v. Open AI</u></b></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>Sept. 12, 2024 Status Conference                  –<u>Joint Letter</u></p> <p><b><u>*Stipulation &amp; Order Re: Discovery of Electronically Stored Information (Sept. 13, 2024)*</u></b></p> <p><b><u>*JOINT STIPULATION AND [PROPOSED] ORDER RE TRAINING DATA INSPECTION PROTOCOL (Sept. 5, 2024)*</u></b></p> <p><b>***EX-PARTE***</b>                  OPPOSITION BRIEF re: 192 JOINT LETTER MOTION to Seal addressed to Magistrate Judge Ona T. Wang from All Parties dated 9/5/2024. SEALED. Document filed by OAI Corporation LLC, OpenAI Global LLC, OpenAI Holdings LLC, OpenAI Inc., OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI Startup Fund GP I LLC, OpenAI Startup Fund I LP, OpenAI Startup Fund Management LLC. Motion or Order to File Under Seal: 192 .(Sun, Christopher) (Entered: 09/10/2024)</p>

**\*OPPOSITION BRIEF re: 192 JOINT LETTER MOTION to Seal addressed to Magistrate Judge Ona T. Wang from All Parties dated 9/5/2024. REDACTED. Document filed by OAI Corporation LLC, OpenAI GP LLC, OpenAI Global LLC, OpenAI Holdings LLC, OpenAI Inc., OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI Startup Fund GP I LLC, OpenAI Startup Fund I LP, OpenAI Startup Fund Management LLC.(Sun, Christopher) (Entered: 09/10/2024)**

**\*\*\*SELECTED PARTIES\*\*\***  
 LETTER MOTION to Compel OpenAI to Add Additional Custodians addressed to Magistrate Judge Ona T. Wang from Plaintiffs dated 9/5/2024. Document filed by All Plaintiffs.

**\*REDACTION to (192 in 1:23-cv-08292-SHS-OTW, 164 in 1:23-cv-10211-SHS-OTW) JOINT LETTER MOTION to Seal addressed to Magistrate Judge Ona T. Wang from All Parties dated 9/5/2024.\***

**\*JOINT LETTER MOTION to Seal addressed to Magistrate Judge Ona T. Wang from All Parties dated 9/5/2024, on whether redacted material should remain under seal.\***

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**SCHEDULING ORDER granting (147) Letter Motion for Conference ; granting (189) Letter Motion for Conference ; granting (78) Letter Motion for Conference ; granting (138) Letter Motion for Conference in case 1:23-cv-08292-SHS-OTW; granting (54) Letter Motion for Conference ; granting (113) Letter Motion for Conference ; granting (122).**

Letter Motion for Conference ; granting (161) Letter Motion for Conference in case 1:23-cv-10211-SHS-OTW; granting (92). Letter Motion for Conference in case 1:24-cv-00084-SHS-OTW. The parties' requests for a conference are GRANTED. The Court will hold an In-Person Status Conference on Thursday, September 12, 2024 at 10:00 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The parties are directed to meet and confer and file a joint proposed agenda that identifies the specific motions, by ECF number, that the parties wish to address and that they believe can be closed during the conference by Monday, September 9, 2024. The Clerk of Court is respectfully directed to close ECF Nos. 78, 138, 147, and 189 for case number 23-cv-8292, and ECF Nos. 86, 128, and 141 for case number 23-cv-11195. SO ORDERED. Status Conference set for 9/12/2024 at 10:00 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang

DECLARATION of Maya Lang (Aug. 19, 2024)

DECLARATION OF WESLEY DOZIER IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR VOLUNTARY DISMISSAL OF PLAINTIFF MAYA LANG" (Aug. 19, 2024)

\*MEMORANDUM OF LAW in Opposition re: (173 in 1:23-cv-08292-SHS-OTW) Notice of Voluntary Dismissal,, (172 in 1:23-cv-08292-SHS-OTW) (Aug. 12, 2024)\*

MEMORANDUM OF LAW in

Support re: (173 in 1:23-cv-08292-SHS) Notice of Voluntary Dismissal, Document filed by Maya Shanbhag Lang (Jul. 30, 2024).

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)

Plaintiffs' Letter Request to Compel Microsoft to search for documents responsive to twelve of Plaintiffs' Requests for Production of Documents ("RFPs"). These RFPs 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

			<p><a href="#"><u>show identities of 2 former employees who created datasets of books in OpenAI's training data (May 6, 2024)</u></a></p> <p>Appearances by OpenAI's Attorneys from Kecker, Van Nest &amp; Peters</p> <p><a href="#"><u>Robert Van Nest</u></a></p> <p><a href="#"><u>Paven Malhotra</u></a></p> <p><a href="#"><u>R. James Slaughter</u></a></p> <p><a href="#"><u>Michelle Sabrina Ybarra</u></a></p> <p><a href="#"><u>Nicholas Samuel Goldberg</u></a></p> <p><a href="#"><u>Katie Lynn Joyce</u></a></p> <p><a href="#"><u>Thomas Edward Gorman</u></a></p> <p><a href="#"><u>OpenAI opp. to motion to compel documents</u></a> (Apr. 16, 2024)</p> <p><a href="#"><u>OpenAI motion to file under seal +response to Plaintiffs' motion to file under seal</u></a> (Apr. 16, 2024)</p> <p><a href="#"><u>California Plaintiffs' Notice of Appeal to Second Circuit re: denial of motion to intervene in SDNY lawsuit</u></a> (filed April 13, 2024)</p> <p><a href="#"><u>Judge Stein order denying California plaintiffs' motion to intervene</u></a> (filed April 1, 2024)</p> <p><a href="#"><u>Answer filed by OpenAI</u></a> (Feb. 16, 2024)</p> <p><a href="#"><u>Answer filed by Microsoft</u></a> (Feb. 16, 2024)</p> <p><a href="#"><u>CONSOLIDATED COMPLAINT filed</u></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>Stein</p>	<p>Sept. 12, 2024 Status Conference -Joint Letter</p> <p><b>*<u>Stipulation &amp; Order Re: Discovery of Electronically Stored Information (Sept. 13, 2024)*</u></b></p> <p><b><u>SCHEDULING ORDER granting (147) Letter Motion for Conference ; granting (189) Letter Motion for Conference ;</u></b></p>

granting (78) Letter Motion for Conference ; granting (138) Letter Motion for Conference in case 1:23-cv-08292-SHS-OTW; granting (54) Letter Motion for Conference ; granting (113) Letter Motion for Conference ; granting (122) Letter Motion for Conference ; granting (161) Letter Motion for Conference in case 1:23-cv-10211-SHS-OTW; granting (92) Letter Motion for Conference in case 1:24-cv-00084-SHS-OTW. The parties' requests for a conference are GRANTED. The Court will hold an In-Person Status Conference on Thursday, September 12, 2024 at 10:00 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The parties are directed to meet and confer and file a joint proposed agenda that identifies the specific motions, by ECF number, that the parties wish to address and that they believe can be closed during the conference by Monday, September 9, 2024. The Clerk of Court is respectfully directed to close ECF Nos. 78, 138, 147, and 189 for case number 23-cv-8292, and ECF Nos. 86, 128, and 141 for case number 23-cv-11195. SO ORDERED. Status Conference set for 9/12/2024 at 10:00 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang  
Order Referring Case to Magistrate Judge (Aug. 6, 2024)

Appearance by Microsoft's Attorneys from Faegre, Drinker, Biddle & Reath LLP (Jul. 12, 2024)  
 -Carrie A. Beyer  
 -Elizabeth Schelbel  
 -Kristin Stoll-DeBell

			<p>Joining the other attorneys from the firm:                  -Jared Briant                  -Jeffrey Jacobson</p> <p>STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material (May 16, 2024)</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</u> (filed April 1, 2024).</p> <p><u>Complaint filed</u> (Jan. 5, 2024)</p>
<p><b><u>New York Times v. Microsoft</u></b></p>	<p>SDNY</p>	<p>Stein</p>	<p>Sept. 12, 2024 Status Conference                  –<u>Joint Letter</u> for Agenda                  –<u>Proposed Agenda by Case</u>                  –<u>Proposed Agenda by Issue</u></p> <p>* <u>LETTER addressed to Magistrate Judge Ona T. Wang from Allyson R. Bennett dated September 11, 2024 re: Parties Resolution of Certain Issues Pending Before the Court. Document filed by OAI Corporation, LLC, OpenAI GP, LLC, OpenAI Global LLC, OpenAI Holdings, LLC, OpenAI LLC, OpenAI LP, OpenAI OpCo LLC, OpenAI, Inc...(Bennett, Allyson) (Entered: 09/11/2024)</u></p> <p>* <u>LETTER RESPONSE in Opposition to Motion addressed to Magistrate Judge Ona T. Wang from Ian B. Crosby and Steven Lieberman dated September 6, 2024 re: 236 LETTER MOTION for Conference to Compel addressed to Magistrate Judge Ona T. Wang from Elana Nightingale Dawson, Vera</u></p>

Ranieri, and Michelle Ybarra dated September 3, 2024.\*

\*OpenAI LETTER MOTION for Conference to Compel addressed to Magistrate Judge Ona T. Wang from Elana Nightingale Dawson, Vera Ranieri, and Michelle Ybarra dated September 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.. (Attachments: # 1 Exhibit A – OpenAI RFPs to NYT, # 2 Exhibit B – NYT RFPs to OpenAI, # 3 Exhibit C – Correspondence, # 4 Exhibit D – NYT Responses and Objections, # 5 Exhibit E – Letter to NYT, # 6 Exhibit F – NYT Response to Deficiencies).\*

SCHEDULING ORDER granting 86 Letter Motion for Conference ; granting 128 Letter Motion for Conference ; granting 141 Letter Motion for Conference. The parties' requests for a conference are GRANTED. The Court will hold an In-Person Status Conference on Thursday, September 12, 2024 at 10:00 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The parties are directed to meet and confer and file a joint proposed agenda that identifies the specific motions, by ECF number, that the parties wish to address and that they believe can be closed during the conference by Monday, September 9, 2024. The Clerk of Court is respectfully directed to close ECF Nos. 78,

138, 147, and 189 for case number 23-cv-8292, and ECF Nos. 86, 128, and 141 for case number 23-cv-11195. SO ORDERED. Status Conference set for 9/12/2024 at 10:00 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang.

\*OpenAI Response in Opposition to Motion (Aug. 30, 2024)

\*NYT REDACTION to 228 LETTER MOTION to Compel OpenAI to to apply additional search terms to its custodians' ESI addressed to Magistrate Judge Ona T. Wang from Ian B. Crosby and Steven Lieberman dated August 27, 2024. by The New York Times Company (Aug. 27, 2024)

Order allowing prior MTD to apply to FAC (Aug. 20, 2024)

First Amended Complaint (Aug. 12, 2024)\* [many exhibits]

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 steinchambers@nysd.uscourts.gov and 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 1/7/2025., Replies due by 2/28/2025., Responses due by 2/7/2025)

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

			<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. (Mar. 25, 2024)</u> <u>OpenAI reply to New York Times Opp. (Mar. 18, 2024)</u></p> <p><u>New York Times opposition to OpenAI's motion to dismiss (Mar. 18, 2024)</u></p> <p><u>Defendant filed motion to dismiss (Feb. 26, 2024).</u> <u>Complaint filed (Dec. 28, 2023)</u></p>
<p><u>Daily News v. Microsoft</u></p>	<p>SDNY</p>	<p>Stain</p>	<p><u>*LETTER RESPONSE to Motion addressed to Magistrate Judge Ona T. Wang from Jared B. Briant and Michelle Ybarra dated 09/11/2024 re: 135 LETTER MOTION for Discovery Dispute Regarding Cross-Production of Defendants Documents addressed to Magistrate Judge Ona T. Wang from Steven Lieberman dated September 6, 2024. . Document filed by Microsoft Corporation*</u></p> <p><u>*JOINT LETTER addressed to Magistrate Judge Ona T. Wang from Annette Hurst dated 9/9/2024 re: Proposed agenda for the September 12, 2024 Status Conference. Document filed by Microsoft Corporation.</u></p> <p><u>*LETTER MOTION for Discovery Dispute Regarding Cross-Production of Defendants Documents addressed to Magistrate Judge Ona T. Wang from Steven Lieberman dated September 6, 2024. Document filed by Chicago Tribune Company, Plaintiffs*</u></p> <hr/> <p><u>*Scheduling Order (Aug. 29, 2024)*</u></p>

Protective Order (Aug. 21, 2024)

DEFENDANTS' NOTICE of Supplemental Authority [Andersen v. Stability AI] re: 80 MOTION to Dismiss\*

PLAINTIFFS' NOTICE of Supplemental Authority [Andersen v. Stability AI] in Opposition to Defendants' Partial Motions to Dismiss re: 80 MOTION to Dismiss., 76 MOTION to Dismiss (Aug. 14, 2024).

Order Referring Case to Magistrate Judge (Aug. 6, 2024)

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).

OpenAI Reply Memorandum of Law in Support of Motion (Jul. 2, 2024).

RULE 26(f) DISCOVERY PLAN REPORT. (Jun. 28, 2024)

Plaintiffs' RESPONSE to Motion re: 87 Defendant's MOTION to Consolidate Cases 23-cv-11195 (Jun. 27, 2024).

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

			<p><u>Sentinel Communications Company, LLC, San Jose Mercury-News, LLC, Sun-sentinel Company, LLC.</u>(June 25, 2024)</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>                  *related to New York Times v. Microsoft</p>	<p>SDNY</p>	<p>Stain</p>	<p><b><u>*JOINT LETTER addressed to Magistrate Judge Ona T. Wang from Annette Hurst dated 9/9/2024 re: Proposed agenda for the September 12, 2024 Status Conference. Document filed by Microsoft Corporation.*</u></b></p> <p><b><u>SCHEDULING ORDER: The parties' requests for a conference are GRANTED. The Court will hold an In-Person Status Conference on Thursday, September 12, 2024 at 10:00 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The parties are directed to meet and confer and file a joint proposed agenda that identifies the specific motions, by ECF number, that the parties wish</u></b></p>

			<p><b><u>to address and that they believe can be closed during the conference by Monday, September 9, 2024. The Clerk of Court is respectfully directed to close ECF Nos. 78, 138, 147, and 189 for case number 23-cv-8292, and ECF Nos. 86, 128, and 141 for case number 23-cv-11195. SO ORDERED. Status Conference set for 9/12/2024 at 10:00 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang.*</u></b></p> <p>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. (Aug. 6, 2024)</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. 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>
<b><u>Huckabee v. Bloomberg</u></b>	SDNY	<b>Garnett</b>	<p><b><u>NOTICE of Supplemental Authority. Document filed by Bloomberg Finance, L.P., Bloomberg L.P.. (Attachments:</u></b></p>

			<p><b><u># 1 Exhibit A – Recent Case Decision</u></b> <b><u>(Jantzi, Nicole)</u></b>  <b><u>(Entered: 08/22/2024)</u></b></p> <p>MEMO ENDORSED ORDER granting 94 Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. Lisa M. Geary's Motion to Withdraw as Counsel for Plaintiffs is hereby GRANTED. (Jul. 1, 2024)</p> <hr/> <p><b><u>Huckabee response that oral argument is not necessary (May 14, 2024)</u></b></p> <p><b><u>Bloomberg letter requesting oral argument (May 7, 2024)</u></b></p> <p><b><u>Bloomberg Reply (May 3, 2024)</u></b></p> <p>Defendants' Opp. to motion to dismiss (Apr. 19, 2024)</p> <p>Bloomberg motion to dismiss (Mar. 22, 2024)</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>McMahon</p>	<p><b><u>DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION TO DISMISS (Aug. 22, 2024)</u></b></p> <p><b><u>PROPOSED PROTECTIVE ORDER. (Aug. 20, 2024)</u></b></p> <hr/>

Scheduling Order:

Completion of fact and expert discovery: **December 9, 2024**

Joint pretrial order: **January 23, 2025**

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:

**October 18, 2024:** opening expert reports

**November 18, 2024:** rebuttal 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)

Defendants' Motion to Dismiss (April 29, 2024)

ORDER SCHEDULING AN

			<p>INITIAL PRETRIAL CONFERENCE: Initial Conference set for <b>4/18/2024 at 10:45 AM</b> in Courtroom 24A, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 3/6/2024)</p> <p><u>Complaint filed</u> (Feb. 28, 2024)</p>
<p><u>Intercept Media Inc. v. OpenAI</u></p>	<p>SDNY</p>	<p>Rakoff</p>	<p>NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Henry J. Ricardo to handle matters that may be referred in this case. Please note that this is a reassignment of the designation only./ (Aug. 27, 2024)</p> <p><u>NOTICE of Supplemental Authority. Document filed by The Intercept Media, Inc.. (Attachments: # 1 Exhibit 1). (Match, Stephen) (Entered: 08/27/2024)*</u></p> <p><u>NOTICE of Supplemental Authority re: 52 MOTION to Dismiss .. Document filed by OAI Corporation (Aug 22, 2024)*</u></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</u></p>

			<p><u><b>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).</b></u></p> <p><u><b>Miicrosoft Reply in support of MTD (May 16, 2024).</b></u></p> <p><u><b>OpenAI Reply in support of MTD (May 16, 2024).</b></u></p> <p><u><b>Plaintiff's Opposition to MTD (May 6, 2024)</b></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><u><b>OpenAI motion to dismiss</b></u> (Apr. 15, 2024)</p> <p><u><b>Microsoft motion to dismiss</b></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><b>Supplemental Rule 26(f) report and Proposed Case Management Plan (filed April 2, 2024)</b></u></p> <p><u><b>Complaint filed (Feb. 28, 2024)</b></u></p>
<p><u><b>UMG Recordings v. Uncharted Labs d/b/a/ Udio</b></u></p>	<p>SDNY</p>	<p>Hellerstein</p>	<p><u><b>*ORDER granting 41 Letter Motion to Adjourn Conference. Adjourned to October 23, 2024 at 11:00 am. SO ORDERED. ( Case</b></u></p>

Management Conference set for 10/23/2024 at 11:00 AM before Judge Alvin K. Hellerstein.)\*

SCHEDULING ORDER: An initial pretrial conference was held on August 21, 2024. The parties shall agree to and submit a joint protective order, discovery protocol, and dates for performance of Fed. R. Civ. P. 33 and 34 discovery by September 19, 2024. The parties also shall exchange Fed. R. Civ. P. 26 disclosures. The parties shall appear for the next case management conference on September 26, 2024 at 10:30 a.m. in Courtroom 14D. Finally, by September 24, 2024, at 12:00 p.m., the parties shall jointly submit to the court a list of all counsel expected to appear, their contact information, and a joint agenda for the conference. SO ORDERED. Case Management Conference set for 9/26/2024 at 10:30 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein

PROPOSED CASE MANAGEMENT PLAN. (Aug. 19, 2024)

Order for Initial Pretrial Conference (Aug. 7, 2024)

Answer by Udio (Aug. 1, 2024)

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.

AFFIDAVIT OF SERVICE.

			<p>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 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>Complaint filed (Jun. 24, 2024)</b></p>
<p><u>Lerhman v. Lovo, Inc.</u> (non-copyright case)</p>	<p>SDNY</p>	<p>Oetken</p>	<p>Minute Entry for proceedings held before Judge J. Paul Oetken: Telephonic Initial Pretrial Conference held on 8/12/2024.</p> <p>CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). This case is to be tried to a jury. Counsel for the parties have conferred and their present best estimate of the length of trial is 6 days. The parties shall file a joint status letter no later than the deadline for fact discovery, currently June 30, 2025. Deposition due by 6/30/2025. Fact Discovery due by 6/30/2025. Expert Discovery due by 8/15/2025. (Signed by Judge J. Paul Oetken on 8/12/2024)</p>

			<p><u>MEMORANDUM OF LAW in Support re: 16 MOTION to Dismiss Plaintiffs' Class Action Complaint. . Document filed by Lovo, Inc.. (Jul. 29, 2024)</u></p> <p><u>Complaint (May 16, 2024)</u></p>
<p><u>UMG Recordings v. Suno</u></p>	<p>D. Mass.</p>	<p><b>Saylor IV</b></p>	<p><u>Answer by Suno (Aug. 1, 2024)</u></p> <p>ORDER entered granting 13 Joint MOTION for Extension of Time to Respond to Complaint and to Establish Briefing Schedule.</p> <p>BRIEFING</p> <p>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><u>Complaint filed (Jun. 24, 2024)</u></p>

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