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November 7, 2025

VIA ECF

Hon. Ona T. Wang
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

RE: In re OpenAI, Inc. Copyright Infringement Litigation (No. 1:25-md-03143) –
This document relates to the following Class Cases: Case No. 1:23-cv-08292, Case No.
1:23-cv-10211, Case No. 1:24-cv-00084, Case No. 1:25-cv-03291, Case No. 1:25-cv-
03482, Case No. 1:25-cv-03483 – Class Plaintiffs’ Decision on Seeking Costs

Dear Judge Wang:

Plaintiffs submit this letter in connection with the Court’s October 1, 2025 Order on *in camera review* of 20 documents that OpenAI withheld or redacted on the basis of privilege. *See* Dkt. 618. In the Court’s October 1, 2025 Order, the Court held that a majority of OpenAI’s privilege assertions were meritless and permitted Class Plaintiffs to seek “reasonable expenses incurred in making, briefing, and arguing” the underlying motions under Fed. R. Civ. P. 37(a)(5). Dkt. 618 at 14. Class Plaintiffs do not seek costs at this time, as their strong preference is that OpenAI produce the non-privileged documents that OpenAI is continuing to withhold based on privilege claims similar to those the Court previously found meritless, and that OpenAI do so in a timely manner.

Plaintiffs conferred with OpenAI on the prioritization of OpenAI’s re-review and asked OpenAI to produce non-privileged documents related to shadow libraries (including Library Genesis), piracy, and regurgitation and to produce an amended log by November 12. OpenAI insists that it needs until “early December.” But given upcoming depositions and the February close of fact discovery, Plaintiffs believe OpenAI should be amending its privilege log and producing documents on a rolling basis and on an expedited timeline. To the extent that OpenAI’s re-review of its remaining privilege assertions is not completed in a timely fashion or is otherwise inadequate, Class Plaintiffs may seek leave to move for costs at a later date.

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Sincerely,

/s/ Justin A. Nelson

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