

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S. NEWS & WORLD REPORT, L.P.

Plaintiffs,

v.

OPENAI, INC.; OPENAI LP; OPENAI GP, LLC;  
OPENAI, LLC; OPENAI OPKO, LLC; OPENAI  
GLOBAL, LLC; OAI CORPORATION, LLC;  
OPENAI HOLDINGS, LLC; OPENAI  
FOUNDATION; and OPENAI GROUP PBC.

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff U.S. News & World Report, L.P. (“USNWR”), by its attorneys Rothwell, Figg, Ernst & Manbeck, P.C., for its complaint against Defendants OpenAI, Inc.; OpenAI LP; OpenAI GP, LLC; OpenAI, LLC; OpenAI OpCo, LLC; OpenAI Global, LLC; OAI Corporation, LLC; OpenAI Holdings. LLC; OpenAI Foundation; and OpenAI Group PBC (collectively “OpenAI” or “Defendants”), alleges as follows:

**NATURE OF THE ACTION**

1. U.S. News & World Report is a storied news organization that for nearly a century has produced award-winning news coverage, provided guidance to consumers through its trademarked News You Can Use brand of journalism, and published its iconic college, hospital, and other rankings. It also joins the long and growing list of creators and publishers of original reporting, commentary, and analysis, who have been the victims of OpenAI’s insatiable need for popular, well-crafted, authoritative, factual, and up-to-date content. As with the plaintiffs in the earlier lawsuits, many of which are currently consolidated in this Court, OpenAI’s theft of USNWR content infringes on USNWR’s rights under U.S. copyright and trademark laws, as well

as other federal and state statutes. USNWR's business has been directly and materially harmed by OpenAI's hijacking of content from USNWR's websites and other protected sources, by OpenAI's use of the hijacked content to feed and train its large language models ("LLMs"), by the uncredited and uncompensated regurgitation of USNWR's unique content to users of OpenAI products, by OpenAI's provision to users of incorrect information and ascribing that incorrect information to USNWR, and by the other activities described below.

2. This case differs from previous cases, however, in several respects. First, while USNWR has long been known for its influential and widely respected flagship print publication *U.S. News & World Report* and its online publication [usnews.com](https://www.usnews.com), it has also developed a unique niche in the publishing world with its famous rankings publications. These include a comprehensive set of academic rankings (which include but are not limited to colleges and universities, graduate programs, online education programs and high schools ), a wide range of healthcare rankings (which include but are not limited to adult hospitals, children's hospitals, ambulatory surgical centers, and nursing homes), and additional rankings of personal finance products (which include but are not limited to credit cards, insurance and loans), consumer products, and other categories. These rankings are not merely lists – they are the result of USNWR's commitment of journalists and other resources to develop methodologies, collect data, implement protocols, and compose the material for publication in USNWR's unique and readily-recognizable style, all backed by USNWR's reputation for accuracy, objectivity thoroughness, and reliability.

3. Second, USNWR has a business model in which the [usnews.com](https://www.usnews.com) website operates as a portal to USNWR's up-to-date news content, its famous rankings, and its News You Can Use consumer advice offerings. As with many on-line publications, USNWR receives revenue from

advertisers who see value in placing ads on USNWR web pages or receiving visitors from USNWR web pages, including pages that are contextually relevant to their offerings. For example but not by way of limitation, a university can advertise its offerings on the website's colleges, graduate schools, or online education programs ranking pages, a healthcare system can advertise on the website's hospital rankings pages, and automotive advertisers can advertise on the website's car rankings pages. On usnews.com, users can also click on links on the USNWR website to visit other USNWR publications related to their interests, and they have the opportunity to purchase USNWR online and print publications directly from USNWR's website. Viewers can also navigate from the usnews.com website to the websites of USNWR affiliates (the "Affiliates") that offer services related to the content the reader has accessed – for example, a reader looking at college rankings can access USNWR's academic counseling Affiliate and a reader looking at ratings of travel destinations can access USNWR's cruise travel agency Affiliate. USNWR therefore benefits from each website view in at least three main ways: through direct revenue from advertisers who purchase ads on usnews.com, by the sale of USNWR publications that focus on the viewers' interests, and by users' engagement of an Affiliate's services.

4. Third, USNWR has developed a popular and unique brand. USNWR rankings are ubiquitous, and have become important resources in education, healthcare, and other important sectors of the economy – both for consumers to evaluate the options available to them, and for service providers to benchmark their offerings and promote USNWR's recognition of those offerings to consumers. Again by way of example and not by limitation, colleges and universities promote their inclusion in U.S. News's "Best Colleges" list, and hospitals advertise their rankings in a wide range of healthcare rankings and ratings.

5. Fourth, use of USNWR content is subject to a field-of-use license published on the usnews.com website that addresses the very issue raised in this case.<sup>1</sup> That license allows use of the USNWR content only for “noncommercial, personal use.” More specifically, and relevant to the present action, the license prohibits use of “the materials and tools published on the U.S. News Services for the development of any software program, model, algorithm, or generative artificial intelligence (‘AI’) tool, including, but not limited to, training or using the materials in connection with the development or operation of a machine learning or AI system (including any use of the U.S. News Services for training, fine tuning, or grounding the machine learning or AI system or as part of retrieval-augmented generation[.]”

6. In addition, USNWR has long recognized, and sought to protect, the commercial value of its print and online publications. Each USNWR publication includes copyright management information as defined in 17 U.S.C. § 1202(c). In addition, USNWR’s registered copyrights from 1948 to date are attached hereto as Exhibits A-D. These registered copyrights cover USNWR’s print publications (including the *U.S. News & World Report* publication through 2010); numerous newsletters, ranking guides, and other publications; and USNWR’s website and incorporated materials. The material described in this paragraph is referred to collectively as “Protected USNWR Content.”

7. USNWR also owns dozens of registered trademarks that cover, among other things, the familiar “U.S. News & World Report” name and logos, as well as trademarks covering USNWR’s other publications and services. These include but are not limited to trademarks for “U.S. News and World Report Best Rankings,” and “U.S. News and World Report Best

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<sup>1</sup> See *Terms and Conditions*, U.S. NEWS & WORLD REPORT, <https://www.usnews.com/info/features/terms> (last visited November 13, 2025).

Hospitals.” A list of USNWR’s registered trademarks is attached hereto as Exhibit E (“USNWR Marks”).

8. Notwithstanding USNWR’s terms of service agreement, copyrights, and trademarks, OpenAI has used, and continues to use, USNWR content to develop and train ChatGPT and its other products. OpenAI has done so in violation of USNWR’s rights under the U.S. copyright and trademark laws, as well as state laws that govern unfair competition.

9. OpenAI’s unauthorized and uncompensated use of USNWR’s content unlawfully, directly, and materially has harmed, and continues to harm, USNWR’s business. OpenAI provides viewers with access to original content pilfered directly from the USNWR website – for example, by the regurgitation of USNWR college rankings or travel information, not to mention news articles, analysis, and op-eds from USNWR contributors. Every potential viewer who obtains USNWR proprietary information from an OpenAI product not only reduces the number of views on USNWR’s website, but reduces the number of potential customers for USNWR’s publications and Affiliates’ services. Moreover, by allowing – indeed, encouraging – viewers to bypass USNWR’s website, OpenAI dilutes the value of USNWR’s brands, including but not limited to its college and university rankings brand, and its hospital rankings brand.

10. In addition, as described below, the output that emanates from OpenAI’s systems “hallucinate” – that is, they provide inaccurate information and ascribe that information to USNWR. These are not trivial matters. People interested in USNWR publications are often making life decisions, like what school is appropriate for their child, or which hospital in their area can provide the care they need. OpenAI systems have been shown to offer inaccurate information on these matters, at the same time ascribing the information to USNWR and thereby benefiting from, and besmirching, USNWR’s hard-earned reputation for accuracy, objectivity, and reliability.

In one instance discussed below, OpenAI's systems have been shown to provide inaccurate information regarding the USNWR rankings of hospitals offering children's cancer services, potentially confusing a parent's decision on this most critical issue.

11. In sum, by using content that OpenAI knew, or with reasonable diligence should have known, violates USNWR's rights, as well as the terms of use expressly set out on USNWR's website, OpenAI has caused direct and material injury to USNWR's business.

### **JURISDICTION AND VENUE**

12. The Court has subject matter jurisdiction (1) under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Copyright Act of 1976, 17 U.S.C. § 101, et seq., as well as other federal laws, and (2) under 28 U.S.C. § 1367 with respect to the related state claims.

13. Jurisdiction over Defendants is proper because they have purposely availed themselves of the privilege of conducting business in New York. A substantial portion of OpenAI's widespread infringement and other unlawful conduct alleged herein occurred in New York, including the distribution and sales of OpenAI's Generative Pre-training Transformer ("GPT")-based products like ChatGPT, ChatGPT Enterprise, and related application programming interface (API) tools within New York to New York residents. Furthermore, OpenAI maintains offices and employs personnel in New York who, upon information and belief, were involved in the creation, maintenance, or monetization of OpenAI's widespread infringement and other unlawful conduct alleged herein.

14. Venue is proper under 28 U.S.C. § 1400(a) because Defendants and/or their agents reside or may be found in this District, and because of the infringing and unlawful activities that occurred in this District. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to USNWR's claims occurred in this District, including the marketing, sales, and licensing of OpenAI products built on the infringement and other misuse of USNWR's

intellectual property within this District. Upon information and belief, OpenAI has sold subscriptions for ChatGPT products to New York residents, and OpenAI enjoys a substantial base of monthly active users of ChatGPT products in New York. OpenAI has licensed its GPT models to New York residents and companies headquartered in New York. For example, OpenAI has struck deals to license its GPT models to the Associated Press (“AP”) and Morgan Stanley, both companies headquartered in New York.

### **THE PARTIES**

15. U.S. News & World Report, L.P. is a limited partnership with its corporate headquarters in this judicial district. Throughout much of the 20th century until 2010, USNWR’s flagship print publication was one of the most renowned and well-respected weekly news magazines in the United States. As explained more fully below, USNWR was one of the first of these magazines to adopt an on-line only format, to have the insight to develop editorial content that tapped consumer interest in comprehensive and accessible “rankings,” and to integrate its news-information service as a hub that also offers readers other services related to their interests.

16. The OpenAI Defendants consist of a web of interrelated Delaware entities.

17. Defendant OpenAI, Inc. is a Delaware nonprofit corporation with a principal place of business located at 3180 18th Street in San Francisco, California. OpenAI, Inc. was formed in December 2015. At least until October 28, 2025, OpenAI, Inc. indirectly owned and controlled all other OpenAI entities and has been directly involved in perpetrating the mass infringement and other unlawful conduct alleged here.

18. Defendant OpenAI LP is a Delaware limited partnership with its principal place of business located at 3180 18th Street in San Francisco, California. OpenAI LP was formed in 2019. OpenAI LP is a wholly owned subsidiary of OpenAI, Inc. that is operated for profit and is

controlled by OpenAI, Inc. OpenAI LP was directly involved in perpetrating the mass infringement and commercial exploitation of the Protected USNWR Content alleged here.

19. Defendant OpenAI GP, LLC is a Delaware limited liability company with a principal place of business located at 3180 18th Street in San Francisco, California. OpenAI GP, LLC is the general partner of OpenAI LP, and it manages and operates the day-to-day business and affairs of OpenAI LP. OpenAI GP, LLC is wholly owned and controlled by OpenAI, Inc. OpenAI, Inc. uses OpenAI GP, LLC to control OpenAI LP and OpenAI Global, LLC. OpenAI GP, LLC was involved in perpetrating the mass infringement and unlawful exploitation of the Protected USNWR Content alleged here through its direction and control of OpenAI LP and OpenAI Global, LLC.

20. Defendant OpenAI, LLC is a Delaware limited liability company with a principal place of business located at 3180 18th Street, San Francisco, California. OpenAI, LLC was formed in September 2020. OpenAI, LLC owns, sells, licenses, and monetizes a number of OpenAI's offerings, including ChatGPT, ChatGPT Enterprise, and OpenAI's API tools, all of which were built on OpenAI's mass infringement and unlawful exploitation of Protected USNWR Content. Upon information and belief, OpenAI, LLC is owned and controlled by both OpenAI, Inc. through OpenAI Global, LLC and OpenAI OpCo, LLC.

21. Defendant OpenAI OpCo, LLC is a Delaware limited liability company with a principal place of business located at 3180 18th Street, San Francisco, California. OpenAI OpCo, LLC is a wholly owned subsidiary of OpenAI, Inc. and has facilitated and directed OpenAI's mass infringement and unlawful exploitation of the Protected USNWR Content through its management and direction of OpenAI, LLC.

22. Defendant OpenAI Global, LLC is a Delaware limited liability company formed in December 2022. OpenAI Global, LLC has a principal place of business located at 3180 18th Street, San Francisco, California. OpenAI, Inc. has a majority stake in OpenAI Global, LLC, indirectly through OpenAI Holdings, LLC and OAI Corporation, LLC. OpenAI Global, LLC was and is involved in unlawful conduct alleged herein through its ownership, control, and direction of OpenAI, LLC.

23. Defendant OAI Corporation, LLC is a Delaware limited liability company with a principal place of business located at 3180 18th Street, San Francisco, California. OAI Corporation, LLC's sole member is OpenAI Holdings, LLC. OAI Corporation, LLC was and is involved in the unlawful conduct alleged herein through its ownership, control, and direction of OpenAI Global, LLC and OpenAI, LLC.

24. Defendant OpenAI Holdings, LLC is a Delaware limited liability company, whose sole members are OpenAI, Inc. and Aestas, LLC, whose sole member, in turn, is Aestas Management Company, LLC. Aestas Management Company, LLC is a Delaware shell company formed for the purpose of executing a \$495 million capital raise for OpenAI.

25. On or about October 28, 2025, OpenAI published the following statements on its website:<sup>2</sup>

- OpenAI has completed its recapitalization, simplifying its corporate structure. The nonprofit remains in control of the for-profit, and now has a direct path to major resources before AGI arrives.

The nonprofit, now called the OpenAI Foundation, holds equity in the for-profit currently valued at approximately \$130 billion, making it one of the best resourced philanthropic organizations ever. The recapitalization also grants the Foundation additional ownership as OpenAI's for-profit reaches a valuation milestone.

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<sup>2</sup> See Bret Taylor, *Built to benefit everyone*, OPENAI (October 28, 2025), <https://openai.com/index/built-to-benefit-everyone/> and *Our Structure*, OPENAI, <https://openai.com/our-structure/> (last visited November 13, 2025).

- With our updated structure, announced on October 28, 2025:

The nonprofit is now the OpenAI Foundation.

The for-profit is now a public benefit corporation, called OpenAI Group PBC, which—unlike a conventional corporation—is required to advance its stated mission and consider the broader interests of all stakeholders, ensuring the company's mission and commercial success advance together.

The OpenAI Foundation continues to control the OpenAI Group. It now holds conventional equity in OpenAI Group – with all stockholders participating proportionally in any increase in value of the OpenAI Group – aligning long-term incentives around impact and growth.

OpenAI Foundation and OpenAI Group have the same mission.

26. Upon information and belief, OpenAI Group PBC is a Delaware public benefit corporation with its principal place of business in San Francisco, California, and OpenAI Foundation is a Delaware foundation with a principal office at 1455 3<sup>rd</sup> Street, San Francisco California 94158.<sup>3</sup>

## **FACTUAL ALLEGATIONS**

### **A. The Parties**

#### ***1. U.S. News & World Report***

27. USNWR traces its origins to two publications founded by media pioneer David Lawrence. In 1933, Lawrence launched the newspaper *U.S. News*, which he converted to a magazine format in 1940. *U.S. News* mostly covered domestic news and developments. In 1946, Lawrence founded a separate magazine, *World Report*, which focused on international news. Two years later, Lawrence merged the two magazines, creating *U.S. News & World Report*. Despite competition from older magazines like *Time*, *U.S. News & World Report* became one of the most

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<sup>3</sup> *Id.*

widely read and respected weekly news publications in the United States, reaching as many as 2 million subscribers in 2000.

28. The company launched its famous rankings series in 1983 with the debut of its college rankings. Over time, the company branched out from college rankings into rankings in other fields, such as healthcare services, personal finance products, and cars. The rankings have provided, and currently provide, useful information not only to consumers who use the rankings as a guide for their purchase of goods and services, but they have also provided information that highlighted matters of importance to the public – for example and not by way of limitation, by demonstrating how high schools can improve their graduation rates, or providing healthcare systems with benchmarking data through which they can improve the quality of medical care at local hospitals.

29. USNWR launched its website, usnews.com, in 1995, but continued to publish its weekly magazine. In 2008-09, USNWR reduced its print publication's frequency, first to biweekly and then to monthly. At the same time, the magazine expanded its online presences. In 2010, USNWR discontinued print publication of the flagship magazine, offering national and international news exclusively through its website. USNWR has continued to offer its ranking guides, newsletters, and certain other publications in print and on-line formats.

30. In 1953, USNWR registered the trademark "News You Can Use" for use in periodical publications, reflecting the magazine's early focus on providing practical information for consumers and business decision-makers, in addition to information on public affairs. USNWR's focus remains the same today: to provide readers with both up-to-date and reliable news and analysis, as well as information readers can use to assist them in making their most important life decisions – whether to choose the best college or hospital for their child, or the best

car or senior living facility for their family's needs. Indeed, USNWR was one of the first publications that offered readers a systematic comparison of the products or services available so that readers could weigh the options for themselves. The basis for USNWR's assessment is always fact-based and transparent.

31. In presenting this content to its readers, USNWR has been recognized for its consistent level of journalistic integrity. USNWR has won a variety of prestigious awards, including multiple National Magazine Awards and awards and other recognition from the Society of Professional Journalists, Investigative Reporters and Editors, the National Press Club, and the Overseas Press Club of America.

32. The utility of USNWR's journalistic approach is reflected in the demographics of its audience. USNWR appeals about equally to men and women. Today, tens of millions of unique viewers visit usnews.com each month for news, research, and guidance. Nearly 80% of USNWR readers are heads of households, and over 15% are business decision-makers.

## **2. *OpenAI***

33. OpenAI was formed in December 2015 as a "non-profit artificial intelligence research company." OpenAI started with \$1 billion in seed money from its founders, a group of wealthy technology entrepreneurs and investors, and companies like Amazon Web Services and InfoSys. This group included Elon Musk, the CEO of Tesla and X Corp. (formerly known as Twitter); Reid Hoffman, the co-founder of LinkedIn; Sam Altman, the former president of Y Combinator; and Greg Brockman, the former Chief Technology Officer of Stripe.

34. Despite accepting very large investments from enormously wealthy companies and individuals at its founding, OpenAI originally maintained that its research and work would be entirely unmotivated by profit. In a December 11, 2015, press release, Brockman and co-founder Ilya Sutskever (until recently OpenAI's President and Chief Scientist, respectively) wrote: "Our

goal is to advance digital intelligence in the way that is most likely to benefit humanity as a whole, unconstrained by a need to generate financial return. Since our research is free from financial obligations, we can better focus on a positive human impact.”<sup>4</sup> In accordance with that mission, OpenAI promised that its work and intellectual property would be open and available to the public, that its “[r]esearchers will be strongly encouraged to publish their work, whether as papers, blog posts, or code” and that its “patents (if any) will be shared with the world.”<sup>5</sup>

35. Despite its early promises of altruism, OpenAI quickly became a multi-billion dollar for-profit business built in large part on the unlicensed exploitation of copyrighted works belonging to USNWR and others. Just three years after its founding, OpenAI shed its exclusively nonprofit status. It created OpenAI, LP in March 2019, a for-profit company dedicated to conducting the lion’s share of OpenAI’s operations—including product development—and to raising capital from investors seeking a return. OpenAI’s corporate structure grew into an intricate web of for-profit holding, operating, and shell companies that manage OpenAI’s day-to-day operations and grant OpenAI’s investors authority and influence over OpenAI’s operations, all while raising billions in capital from investors. The result: OpenAI today is a commercial enterprise valued at \$500 billion.<sup>6</sup>

36. With the transition to for-profit status came another change: OpenAI also ended its commitment to openness. OpenAI released the first two iterations of its flagship generative artificial intelligence model (“GenAI model”), GPT-1 and GPT-2, on an open-source basis in 2018 and 2019, respectively. But OpenAI changed course in 2020, starting with the release of GPT-3

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<sup>4</sup> Greg Brockman & Ilya Sutskever, *Introducing OpenAI*, OPENAI (Dec. 11, 2015), <https://openai.com/blog/introducing-openai>.

<sup>5</sup> *Id.*

<sup>6</sup> See Ashley Capoot, *OpenAI completes restructure, solidifying Microsoft as a major shareholder*, CNBC (Oct. 28, 2025) <https://www.cnbc.com/2025/10/28/open-ai-for-profit-microsoft.html> (last visited November 13, 2025).

shortly after OpenAI LP and other for-profit OpenAI entities were formed and took control of product design and development.

37. GPT-3.5 and GPT-4 are both orders of magnitude more powerful than the two previous generations, yet Defendants have kept their design and training entirely a secret. For previous generations, OpenAI had voluminous reports detailing the contents of the training set, design, and hardware of the LLMs. Not so for GPT-3.5 or GPT-4. For GPT-4, for example, the “technical report” that OpenAI released said: “this report contains no further details about the architecture (including model size), hardware, training compute, dataset construction, training method, or similar.”<sup>7</sup>

38. OpenAI’s Sutskever justified this secrecy on commercial grounds: “It’s competitive out there .... And there are many companies who want to do the same thing, so from a competitive side, you can see this as maturation of the field.”<sup>8</sup> But its effect was clearly to conceal the identity of the data OpenAI copied to train its latest models from rightsholders like USNWR.

39. OpenAI became a household name upon the release of ChatGPT in November 2022. ChatGPT is a text-generating chatbot that, given user-generated prompts, can mimic humanlike natural language responses. ChatGPT was an instant viral sensation, reaching one million users within a month of its release and gaining over 100 million users within three months. As of Summer 2025, ChatGPT receives an average of 330 million prompts daily from users within the U.S.

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<sup>7</sup> OpenAI, *GPT-4 Technical Report* (2023), <https://cdn.openai.com/papers/gpt-4.pdf>.

<sup>8</sup> James Vincent, *OpenAI Co-Founder on Company’s Past Approach to Openly Sharing Research: ‘We Were Wrong’*, THE VERGE (Mar. 15, 2023), <https://www.theverge.com/2023/3/15/23640180/openai-gpt-4-launch-closedresearch-ilya-sutskever-interview>.

40. OpenAI, through OpenAI OpCo, LLC and at the direction of OpenAI, Inc., OpenAI LP, and other OpenAI entities, offers a suite of services powered by its LLMs, targeted to both ordinary consumers and businesses. OpenAI's business-focused offerings include ChatGPT Enterprise and ChatGPT API tools designed to enable developers to incorporate ChatGPT into bespoke applications. OpenAI also licenses its technology to corporate clients for licensing fees. Some of these offerings can be accessed without charge, but OpenAI charges a fee for the use of its more powerful or specialized offerings.

41. Upon information and belief, and insofar as relevant to this lawsuit, all of OpenAI's LLMs have been developed using similar methods, and display similar features. The OpenAI models at issue in this lawsuit include GPT-1, GPT-2, GPT-3, GPT-3.5, GPT-3.5 Turbo, GPT-4, GPT-4 Turbo, GPT-4o, GPT-4o mini, GPT-4o mini Search Preview, GPT-4o Search Preview o1, o1-pro, o1-mini, o1 Preview, GPT-4.5 o3, o3-pro, o3-deep-research, o3-mini, o4-mini, o4-mini-deep-research, GPT-4.1, GPT-4.1 mini, GPT-OSS, gpt-oss-120b, gpt-oss-20b, GPT-5, GPT-5 mini, GPT-5 nano, GPT-5 pro, GPT-5.1, ChatGPT-4o, and GPT-4 Chat. Upon information and belief, OpenAI plans to introduce new models that use similar methods and provide similar output (including USNWR Content).

42. In addition, OpenAI offers the following GPT products that leverage its LLMs: application programming interface ("API") platform, ChatGPT (Free, Pro, Plus), ChatGPT Enterprise, ChatGPT Business (formerly ChatGPT Team), ChatGPT Education, ChatGPT Plugins (including original Browse with Bing plugin), Custom GPTs / GPTs (including Remove Paywall, News Summarizer, etc.), ChatGPT Search, ChatGPT Canvas, ChatGPT Agent (formerly Operator), ChatGPT Atlas (web browser), and ChatGPT apps. Upon information and belief,

OpenAI plans to introduce new products that use similar methods and provide similar output (including USNWR content).

43. OpenAI's models and products have been immensely valuable for OpenAI. Over 80% of Fortune 500 companies are using ChatGPT.<sup>9</sup> OpenAI's founder Sam Altman anticipates annual revenues of \$100 billion by 2027,<sup>10</sup> and as noted above, OpenAI's recent recapitalization valued OpenAI in the neighborhood of \$500 billion.

44. OpenAI's commercial success is built in large part on its large-scale copyright infringement. One of the central features driving the use and sales of ChatGPT and its associated products is the LLM's ability to produce natural language text in a variety of styles. To achieve this result, OpenAI made numerous reproductions of copyrighted works, including Protected USNWR Content, in the course of developing its large models and products as discussed in detail further below.

45. Upon information and belief, all of the Defendants have been either directly involved in, or have directed, controlled, and profited from, OpenAI's widespread infringement and commercial exploitation of Protected USNWR Content. OpenAI, Inc. controlled and directed the widespread reproduction, distribution, and commercial use of the Protected USNWR Content perpetrated by OpenAI LP and OpenAI Global, LLC, through a series of holding and shell companies that include OpenAI Holdings, LLC, OpenAI GP, LLC, and OAI Corporation, LLC., OpenAI LP and OpenAI Global, LLC were directly involved in the design, development, and commercialization of OpenAI's GPT-based products, and directly engaged in the widespread

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<sup>9</sup> OpenAI, *Introducing ChatGPT Enterprise*, OPENAI (Aug. 28, 2023), <https://openai.com/blog/introducing-chatgpt-enterprise>.

<sup>10</sup> See Anthony Ha, *Sam Altman says 'enough' to questions about OpenAI's revenue*, TECHCRUNCH (Nov. 2, 2025) <https://techcrunch.com/2025/11/02/sam-altman-says-enough-to-questions-about-openais-revenue/> (last visited November 13, 2025).

reproduction, distribution, and commercial use of Protected USNWR Content. OpenAI LP and OpenAI Global, LLC also controlled and directed OpenAI, LLC and OpenAI OpCo, LLC, which were involved in distributing, selling, and licensing OpenAI's GPT-based products, and thus monetized the reproduction, distribution, and commercial use of Protected USNWR Content. As noted above, as of October 28, 2025, these entities are now under the organizational umbrellas of OpenAI Foundation and Open AI Group PBC.

**B. How GenAI Models Work**

46. In the course of developing its models and products, OpenAI has unlawfully created and distributed copies of Protected USNWR Content in several ways.

47. At the collection stage, OpenAI collects and stores a vast amount of content scraped from the internet, including content scraped from USNWR's websites that includes Protected USNWR Content. OpenAI then creates datasets from that content which is later used to train the LLMs.

48. At the training stage, OpenAI trains its LLMs on the collected content by a process that feeds the data through its LLMs to generate output. Appending the output of an LLM to its input and feeding it back into the model produces sentences and paragraphs word by word. This is how ChatGPT products generate responses to user queries, or "prompts."

49. LLMs encode the information from the training corpus that they use to make these predictions as numbers called "parameters." For example, there are approximately 1.76 trillion parameters in the GPT-4 LLM.

50. The process of setting the values for an LLM's parameters during the training process involves storing copies of the training articles in computer memory, providing a portion of the article to the model, and adjusting the parameters of the model so that the model accurately predicts the next word in the article.

51. After being trained on a general corpus, models may be further subject to “fine-tuning” by, for example, performing additional rounds of training using specific types of works to better mimic their content or style, or providing the models with human feedback to reinforce desired or suppress undesired behaviors in order to improve the model’s ability to follow instructions.

52. Models trained in this way are known to exhibit a behavior called “memorization.”<sup>11</sup> That is, given the right prompt, LLMs will repeat large portions of materials they were trained on. This phenomenon shows that LLM parameters encode retrievable copies of many of those training works.

53. Once trained, LLMs may be provided with information specific to a use case or subject matter in order to “ground” their outputs. This is accomplished through a process called retrieval augmented generation or “RAG.” For example, an LLM may be asked to generate a text output based on specific external data, such as a document, provided as context. Using this method, OpenAI’s synthetic search applications: (1) receive an input, such as a question; (2) retrieve relevant documents related to the input prior to generating a response; (3) combine the original input with the retrieved documents in order to provide context; and (4) provide the combined data to an LLM, which generates a natural-language response. As shown below, search results generated in this way may extensively copy or closely paraphrase works that the models themselves may not have memorized.

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<sup>11</sup> Gerrit J.J. Van Den Burg & Christopher K.I. Williams, *On Memorization In Probabilistic Deep Generative Models* (2021), <https://proceedings.neurips.cc/paper/2021/file/eae15aabaa768ae4a5993a8a4f4fa6e4-Paper.pdf>.

### C. Defendants' Unauthorized Use and Copying of the Protected USNWR Content

54. OpenAI created and distributed reproductions of the USNWR's material in several, independent ways in the course of (i) pre-training, training, and fine-tuning its LLMs and (ii) operating the products that incorporate them.

#### 1. *Unauthorized Reproduction of the Protected USNWR Content During GPT Model Training*

55. OpenAI's GPT models are a family of LLMs, the first of which was introduced in 2018, followed by GPT-2 in 2019, GPT-3 in 2020, GPT-3.5 in 2022, GPT-4 in 2023, GPT-4o and OpenAI o1 in 2024, and in 2025 including all of the LLM models listed in paragraph 41. The "chat" style LLMs were developed in two stages. First, a transformer model was pre-trained on a very large amount of data. Second, the model was "fine-tuned" on a much smaller, supervised dataset in order to help the model solve specific tasks. As noted, OpenAI has introduced numerous additional models, and continues to develop new and/or derivative models using these methods.

56. The pre-training step involved collecting and storing text content to create training datasets and processing that content through the GPT models. While OpenAI has not released its training data, OpenAI has published general information about its pre-training process for the GPT models.<sup>12</sup>

57. GPT-2 includes 1.5 billion parameters, which was a 10X scale up of GPT.<sup>13</sup> The training dataset for GPT-2 includes an internal corpus OpenAI built called "WebText," which includes "the text contents of 45 million links posted by users of the 'Reddit' social network."<sup>14</sup>

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<sup>12</sup> OpenAI, *Better Language Models and Their Implications*, OPENAI (Feb. 14, 2019), <https://openai.com/research/better-language-models>.

<sup>13</sup> *Id.*

<sup>14</sup> *GPT-2 Model Card*, GITHUB (Nov. 2019), [https://github.com/openai/gpt-2/blob/master/model\\_card.md](https://github.com/openai/gpt-2/blob/master/model_card.md).

The contents of the WebText dataset were created as a “new web scrape which emphasizes document quality.”<sup>15</sup>

58. The WebText dataset contains a large amount of content scraped from USNWR’s website, usnews.com. GPT-3 includes 175 billion parameters and was trained on the datasets listed in the following table.<sup>16</sup>

Dataset	Quantity (tokens)	Weight in training mix	Epochs elapsed when training for 300B tokens
Common Crawl (filtered)	410 billion	60%	0.44
WebText2	19 billion	22%	2.9
Books1	12 billion	8%	1.9
Books2	55 billion	8%	0.43
Wikipedia	3 billion	3%	3.4

Collectively, the Protected USNWR Content comprises more than 20,000 entries in the WebText dataset.<sup>17</sup>

59. OpenAI developed the WebText2 dataset to prioritize high value content. Like the original WebText, it is composed of popular outbound links from Reddit. As shown in the table above, the WebText2 corpus was weighted 22% in the training mix for GPT-3 despite constituting less than 4% of the total tokens in the training mix. Like the original WebText, OpenAI describes WebText2 as a “high-quality” dataset that is “an expanded version of the WebText dataset ... collected by scraping links over a longer period of time.”<sup>18</sup>

60. The most highly weighted dataset in GPT-3, Common Crawl, is a “copy of the Internet” made available by an eponymous 501(c)(3) organization run by wealthy venture capital

<sup>15</sup> Radford et al., *Language Models Are Unsupervised Multitask Learners* 3 (2018), <https://d4mucfpksyv.cloudfront.net/better-language-models/language-models.pdf>.

<sup>16</sup> Brown et al., *Language Models Are Few-Shot Learners* 9 (2020), <https://arxiv.org/pdf/2005.14165.pdf>.

<sup>17</sup> *GPT-2 / domains.txt*, GITHUB, <https://github.com/openai/gpt-2/blob/master/domains.txt> (last visited November 22, 2025).

<sup>18</sup> *Language Models Are Few-Shot Learners* 9, *supra* n. 16, at 8.

investors.<sup>19</sup> According to publicly available tax statement, in 2023 OpenAI made a \$250,000 contribution to Common Crawl.<sup>20</sup> USNWR’s subdomains travel.usnews.com, cars.usnews.com, and realestate.usnews.com account for 3.5 million tokens, 3.8 million tokens, and 410,000 tokens (basic units of text) in a filtered English language subset of a 2019 snapshot of Common Crawl known as “C4.”

61. Critically, OpenAI admits that “datasets we view as higher-quality are sampled more frequently” during training.<sup>21</sup> Accordingly, by OpenAI’s own admission, high-quality content, including Protected USNWR Content, was more important and valuable for training the GPT models as compared to content taken from other, lower-quality sources.

62. While OpenAI has not released much information about GPT-4, experts suspect that GPT-4 includes 1.8 trillion parameters, which is over 10 times larger than GPT-3, and was trained on approximately 13 trillion tokens.<sup>22</sup> The training set for GPT-3, GPT-3.5, and GPT-4 comprised 45 terabytes of data—the equivalent of a Microsoft Word document that is over 3.7 billion pages long.<sup>23</sup>

63. On information and belief, the Defendants have used, and continue to use, the WebText, WebText2, and other training datasets to train the GPT models. For example, ChatGPT’s “knowledge cutoff date” – the last date for which its ChatGPT products will offer information to users – has shifted from as early as September 2021 to as recently as September 30, 2024. The more recent knowledge cutoff date demonstrates that OpenAI continues to create and use Protected USNWR Content contained in the training datasets and elsewhere on the internet.

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<sup>19</sup> COMMON CRAWL, <https://commoncrawl.org/faq> (last visited November 24, 2025).

<sup>20</sup> <https://projects.propublica.org/nonprofits/organizations/261635908/202403189349101980/full>

<sup>21</sup> *Language Models Are Few-Shot Learners 9*, *supra* n. 16.

<sup>22</sup> Maximilian Schreiner, *GPT-4 Architecture, Datasets, Costs and More Leaked*, THE DECODER (July 11, 2023), <https://the-decoder.com/gpt-4-architecture-datasets-costs-and-more-leaked/>.

<sup>23</sup> Kindra Cooper, *OpenAI GPT-3: Everything You Need to Know [Updated]*, SPRINGBOARD (Sept. 27, 2023), <https://www.springboard.com/blog/data-science/machine-learning-gpt-3-open-ai/>.

64. Defendants repeatedly copied the usnews.com website without a license from, or compensation to, USNWR. As part of training the GPT models, OpenAI and its partners developed a complex, bespoke supercomputing system to house and reproduce copies of the training dataset, including copies of the usnews.com and other works. Hundreds of thousands of the articles, rankings, and other materials were copied and ingested—multiple times—for the purpose of “training” Defendants’ GPT models.

65. Upon information and belief, OpenAI continues to create unauthorized copies of Protected USNWR Content, and is currently or will imminently commence making additional copies of websites to train and/or fine-tune new models for use in yet-to-be-released products, and for use in creating RAG-generated content.

66. Defendants’ large-scale commercial exploitation of the Protected USNWR Content is not licensed, nor have Defendants received permission from USNWR to copy and use its works to build their GenAI tools.

**2. *Unauthorized Reproductions and Derivatives of the Protected USNWR Content Embodied in the GPT Models and Unauthorized Public Display of the Protected USNWR Content in GPT Product Outputs***

67. As further evidence that OpenAI uses unauthorized copies of Protected USNWR Content during training and in RAG operations, the GPT LLMs themselves have “memorized” copies of many of those works encoded into their parameters. As shown below, the current GPT-4 model will output near-verbatim copies and simulacra of Protected USNWR Content when prompted to do so.

68. Such memorized examples constitute unauthorized copies or derivative works of the Protected USNWR Content used to train the model. Defendants directly engaged in the unauthorized reproduction and publication of the Protected USNWR Content as part of generative output provided by their products built on the GPT models. Defendants’ commercial applications

built using GPT models, listed above, include, *inter alia*, ChatGPT (including its associated offerings, ChatGPT Plus, ChatGPT Enterprise) and OpenAI's API Platform. These products display the Protected USNWR Content in generative output in at least two ways: (1) by showing "memorized" copies or derivatives of the Protected USNWR Content retrieved from the models themselves, and (2) by showing synthetic search results that are substantially similar to the Protected USNWR Content generated from copies that OpenAI has obtained from a repository containing Protected USNWR Content (e.g., a search index) or from the internet in real-time.

69. For example, ChatGPT displays copies or derivatives of the Protected USNWR Content memorized by the underlying GPT models in response to user prompts. Upon information and belief, the underlying GPT models for ChatGPT were trained on these and many more of the Protected USNWR Content and are able to generate such expansive summaries and verbatim text.

70. Synthetic search products built on the GPT LLMs output the contents of search results, including Protected USNWR Content that may not have been included in the LLMs' training set through RAG. As noted above, RAG includes receiving a prompt from a user, using the prompt to search for the Protected USNWR Content from the internet, providing the prompt together with a copy of the Protected USNWR Content as additional context for the LLM, and having the LLM use the Protected USNWR Content to create natural-language substitutes that serve the same informative purpose as the original. In some cases, Defendants' synthetic search GenAI products simply output several paragraphs or the entirety of Protected USNWR Content.

71. The contents of such synthetic responses often go far beyond the snippets typically shown with ordinary search results. Even when synthetic search responses include links to source materials, users have less need to navigate to those sources because their expressive content is already included in the narrative result. Indeed, such indication of attribution may make users more

likely to trust the summary alone and not click through to the relevant USNWR website to verify the information.

72. In this way, synthetic search results divert important traffic away from copyright holders like USNWR. A user who has already read the latest news, even—or especially—with attribution to USNWR, has less reason to visit the original source.


### **Synthetic Search Results**

73. Below are a few illustrative and non-exhaustive examples of synthetic search results that include misappropriated Protected USNWR Content.

74. In 2025, USNWR published its “Best Places to Live in the U.S. 2025-2026 Rankings.”<sup>24</sup> The top ten cities were, ranked from #1 to #10, Johns Creek, GA; Carmel, IN; Pearland, TX; Fishers, IN; Cary, NC; League City, TX; Apex, NC; Leander, TX; Rochester Hills, MN; and Troy, MI. A screenshot of the USNWR website, shown below, shows the first four cities, an advertisement, and links to additional information and advertising:

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<sup>24</sup> See <https://realestate.usnews.com/places/rankings/best-places-to-live> (last visited November 13, 2025).




### Johns Creek, GA

**#1 in Best Places to Live** **7.0 Overall Score**

Population: **79,322** Average Commute: **28 minutes** Median Home Value: **\$587,438**  
Median Monthly Rent: **\$1,807** Median Household Income: **\$165,117**

[See Details](#)  
[Search Agents](#)




### Carmel, IN

**#2 in Best Places to Live** **7.0 Overall Score**

Population: **106,425** Average Commute: **21 minutes** Median Home Value: **\$479,193**  
Median Monthly Rent: **\$1,455** Median Household Income: **\$142,597**

[See Details](#)  
[Search Agents](#)



### Pearland, TX

**#3 in Best Places to Live** **7.0 Overall Score**

Population: **128,984** Average Commute: **31 minutes** Median Home Value: **\$343,703**  
Median Monthly Rent: **\$1,499** Median Household Income: **\$115,695**

[See Details](#)  
[Search Agents](#)




ALL-ELECTRIC 2025 CADILLAC ESCALADE IQ

FEATURING A CADILLAC-ESTIMATED 460 MILES OF ELECTRIC RANGE\*

DISCOVER ESCALADE IQ

BUILD & BUY

\*IMPORTANT INFO



### Fishers, IN

**#4 in Best Places to Live** **6.9 Overall Score**

Population: **105,031** Average Commute: **24 minutes** Median Home Value: **\$406,024**  
Median Monthly Rent: **\$1,404** Median Household Income: **\$134,148**

[See Details](#)  
[Search Agents](#)

75. The following screenshot shows the prompt for, and the output from, a Chat GPT product showing the identical list, and providing the basis for USNWR’s conclusions, including among other things, the town’s median household income, commute time to the nearest large city, and factors that USNWR developed, and incorporated into its rankings protocol, and reported in its rankings website.<sup>25</sup> As indicated by the highlighted material, the GPT output confirms that the information was taken from the USNWR rankings, and explains “why each city scores so highly right now.” The output then goes on to describe the metrics on which USNWR relied.

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<sup>25</sup> See, e.g., <https://realestate.usnews.com/places/georgia/johns-creek> (USNWR discussion of Johns Creek, Ga.) (last visited November 23, 2025).

What are the Best Places to Live in the U.S. in 2025-2026? Provide a brief explanation and description for each city

Thought for 1m 47s >

Below is a quick-scan snapshot of the 2025-2026 U.S. News & World Report "Best Places to Live" top-10 and why each city scores so highly right now. The ranking leans heavily on value (housing costs vs. income), job markets, quality-of-life metrics (crime, health care, schools, commute, air quality), and the public-opinion "desirability" survey U.S. News runs each year [abc11.com](#) [news.com](#). Two big themes jump out in 2025: (1) well-educated, midsize suburbs with easy access to major metros dominate, and (2) fast-growing Sun Belt and Great Lakes tech corridors keep nudging up the list.

## Top 10 Cities for 2025-2026

### 1. Johns Creek, Georgia

Atlanta's leafy, highly educated suburb claims the overall crown thanks to a nation-leading safety score, a six-figure median household income (\$160 k), and commute times that still average under 40 minutes into Midtown ATL [businessinsider.com](#) [atlantainvestor.com](#) [johnscreekga.gov](#). Residents rave about blue-ribbon Fulton County schools, Chattahoochee River parks, and a local job market anchored by health-tech and fintech campuses.

### 2. Carmel, Indiana

The Indianapolis-area city pairs Midwestern affordability with big-city cultural perks—think a walkable Arts & Design District, year-round festivals, and a nationally famous high-school performing-arts complex [businessinsider.com](#) [wthr.com](#). A well-planned trail network and median home values that still undercut national averages keep Carmel near the top.

### 3. Pearland, Texas

A Houston suburb where oil-and-gas, medical, and aerospace employers intersect, Pearland wins on balance: solid paychecks meet sub-\$370 k median home prices and new master-planned neighborhoods with lakeside trails [businessinsider.com](#) [abc11.com](#) [houstontimesonline.com](#).

### 4. Fishers, Indiana

Long branded "Carmel's tech cousin," Fishers lands at No. 4 for its surge in software, pharma-manufacturing, and IoT startups plus a town center remake that added co-working hubs and an indie-food hall [businessinsider.com](#) [facebook.com](#). Housing stays under \$410 k and Hamilton County schools rank in the state's top tier.

### 5. Cary, North Carolina

Part of the Research Triangle, Cary blends a deep STEM labor pool with greenways that stitch almost every neighborhood to 30-plus parks. High median incomes offset \$700 k median home prices, and the town's crime rate sits well below national norms [businessinsider.com](#) [wral.com](#).

### 6. League City, Texas

Set between Houston and Galveston Bay, League City markets itself as "waterfront living at suburban prices." U.S. News gave it 99th-percentile marks for housing affordability and a top-five job-market index score [businessinsider.com](#) [abc11.com](#).

### 7. Apex, North Carolina

Nicknamed "the Peak of Good Living," Apex scores for its robust Triangle-area tech pipeline, historic

76. Another example of OpenAI's unlawful use of Protected USNWR Content includes the following prompt and output, in which the OpenAI product identifies its source as the USNWR rankings (highlighted), summarizes USNWR's ranking methodology for hospitals, and then provides the actual verbatim text from USNWR's website and an offer to provide additional information:<sup>26</sup>

Please tell me about "Methodology U.S. News & World Report 2023-2024 Best Hospitals: Specialty Rankings." Please format your response a summary first followed by the actual text.

Here's a clear breakdown of the Methodology behind U.S. News & World Report's Best Hospitals 2023–24 Specialty Rankings, followed by excerpts from the official methodology text.

### Summary

- **Scope:** Evaluated over 4,500 U.S. hospitals across 15 specialties (from Cancer to Urology); 164 hospitals ranked in at least one specialty  
health.usnews.c... +15 .
- **Approach:**
  - **12 specialties:** A *data-driven* model combining **structure**, **process**, and **outcomes**.
    - **Structure** (e.g., volume, nurse staffing, resources) derived primarily from the AHA Annual Survey, NCI-designated cancer centers, and Nurse Magnet status rti.org .
    - **Process** includes physician *expert-opinion* surveys and **patient experience** (HCAHPS scores); transparency also considered in some specialties .
    - **Outcomes** measured by risk-adjusted mortality, complication rates, and other clinical metrics.
  - **3 specialties** (likely Ophthalmology, Psychiatry, Rehabilitation or Rheumatology): Ranked **solely by expert opinion** due to limited objective data pmc.ncbi.nlm.ni... +1 .

<sup>26</sup> See *Methodology, U.S. News & World Report 2023-2024 Best Hospitals: Specialty Rankings* at i, U.S. NEWS & WORLD REPORT (Aug. 1, 2023), available at [https://health.usnews.com/media/best-hospitals/BH\\_Methodology\\_2023-2024](https://health.usnews.com/media/best-hospitals/BH_Methodology_2023-2024)

- **Data sources:** Medicare claims (CMS), AHA survey, HCAHPS, expert surveys; for cancer hospitals, PCH-HCAHPS was used [health.usnews.c... +2](#) .
- **Special adaptations:**
  - Incorporated **Medicare Advantage and outpatient data** in multiple specialties starting 2024, nearly doubling evaluated patient records [fiercehealthcare... +3](#) .
  - Rankings span 2020–2022 data, excluding COVID-19 specific cases .
- **Honor Roll:** Top multi-specialty performers updated in 2016–17 by reducing expert-opinion weight and integrating procedures and conditions ratings [rti.org](#) .

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## Excerpts from the Actual Methodology Document

“The Best Hospitals specialty rankings assess hospital performance in 15 specialties or specialty areas, from Cancer to Urology. In 12 of these, whether and how high a hospital is ranked is determined by an extensive data-driven analysis combining performance measures in three primary dimensions of healthcare: structure, process, and outcomes. In the three other specialties, ranking relies solely on expert opinion.” [health.usnews.c... +8](#)

Structural measures include hospital volume, nurse staffing and other resources that define the hospital environment. The data source for most structural measures is the American Hospital Association (AHA) Annual Survey. Additional resources include the National Cancer Institute’s list of NIH-designated cancer centers and the American Nurses Credentialing Center’s roster of Nurse Magnet hospitals. [rti.org](#)

Process is represented primarily by two factors. One is a hospital’s ability to develop and sustain a system that delivers high-quality care, as determined by expert opinion surveys of board-certified physicians. The other is an indicator of patient experience ... for the 11 cancer specialty

hospitals exempt from CMS ... data from the PPS-exempt Cancer Hospital (PCH) HCAHPS dataset were used. A third factor, transparency was used in three specialties. [rti.org](#)

For the 2023-24 rankings, 164 of over 4,500 evaluated U.S. hospitals were ranked in at least one specialty. [rti.org](#)

Since 1990, the Best Hospitals Honor Roll has recognized a small group of hospitals with high rankings in multiple Best Hospitals specialties. It was extensively revised in 2016-17 to reduce the effect of the expert opinion measure and to unify the rankings and ratings by incorporating Best Hospitals Procedures and Conditions ratings. [rti.org](#)

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Let me know if you'd like me to explain how individual specialties are weighted or detail the procedures and conditions ratings!

 Sources

77. The original text from what the ChatGPT output refers to as the “Actual Methodology Document” is as follows, with the portions that are copied verbatim in the Chat GPT output in red:

The Best Hospitals specialty rankings assess hospital performance in 15 specialties or specialty areas, from Cancer to Urology. In 12 of these, whether and how high a hospital is ranked is determined by an extensive data-driven analysis combining performance measures in three primary dimensions of healthcare: structure, process, and outcomes. In the three other specialties, ranking relies solely on expert opinion.

The structural measures include hospital volume, nurse staffing and other resources that define the hospital environment. The data source for most structural measures is the American Hospital Association (AHA) Annual Survey. Additional resources include the National Cancer Institute’s list of NIH-designated cancer centers and the American Nurses Credentialing Center’s roster of Nurse Magnet hospitals. New for the 2023-2024 rankings, in addition to hospitals’ inpatient volume, outpatient volume will be considered for certain specialties to reflect an increase in utilization of outpatient procedures.

Process is primarily determined by expert opinion surveys of board-certified physicians. We believe expert opinion can measure a hospital’s ability to develop and sustain a system

that delivers high-quality care. A separate indicator of public transparency was used in four specialties. In addition, patient experience was incorporated as a separate domain. The basis for this score is the Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) patient satisfaction surveys.

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For the 2023-2024 rankings, 164 of over 4,500 evaluated U.S. hospitals were ranked in at least one specialty.

Since 1990, the Best Hospitals Honor Roll has recognized a small group of hospitals with high rankings in multiple Best Hospitals specialties. It was extensively revised in 2016-2017 to reduce the effect of the expert opinion measure and to unify the rankings and ratings by iii incorporating Best Hospitals Procedures & Conditions ratings.<sup>27</sup>

78. The synthetic output displays significantly more expressive content from the original article than what would be displayed in a traditional search result for the same article. Moreover, unlike a traditional search result, the synthetic output also does not include a prominent hyperlink that sends users to the USNWR website.


#### **Synthetic Search Results with Hallucinations**

79. In addition, OpenAI “hallucinates” – that is, it inaccurately attributes to USNWR inaccurate information, and information that USNWR has not published or endorsed. For example, a Reddit user posted ChatGPT’s statement that USNWR ranked Western Governor’s University #1 for best online bachelor’s degree programs in the U.S..<sup>28</sup>



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<sup>27</sup> *Id.* at i-ii.

<sup>28</sup> See [https://www.reddit.com/r/WGU/comments/zg4hao/for anyone wondering whether wgu is worth it open/](https://www.reddit.com/r/WGU/comments/zg4hao/for_anyone_wondering_whether_wgu_is_worth_it_open/) (last visited November 13, 2025).

←  r/WGU • 3y ago  
Just\_Extension\_5972 ...

### For anyone wondering whether WGU is worth it (Open AI)






 How reputable is WGU college? 

 Western Governors University (WGU) is a reputable online university that has been accredited by the Northwest Commission on Colleges and Universities since 2003. Accreditation is a process by which colleges and universities are evaluated by an independent agency to ensure they meet certain standards of quality and integrity.

WGU has also been recognized by several organizations for its quality and affordability. In 2021, the university was ranked #1 for best online bachelor's degree programs by U.S. News & World Report. It has also been named a "Best Value School" by Forbes and a "Top Military-Friendly School" by Military Times.

Additionally, WGU has received positive reviews from students and graduates who have praised the flexibility and affordability of its programs, as well as the support provided by faculty and staff.

Overall, WGU is considered a reputable college that offers high-quality, affordable online programs.

 48   7   Share

In fact, USNWR did not rank Western Governors University in the top 20 universities in that category.<sup>29</sup>

80. More troublingly, ChatGPT reported that the following were the top 5 children's hospitals for cancer in 2024-25 based on USNWR's rankings:

<sup>29</sup> See <https://web.archive.org/web/20210921223552/https://www.usnews.com/education/online-education/bachelors/rankings> (last visited November 13, 2025).

Here are the **best children's hospitals for cancer care** in the United States, based on the 2024–2025 *U.S. News & World Report* rankings and additional expert evaluations from pediatric oncology networks. These hospitals are recognized for their research leadership, advanced treatments, clinical trials, survival outcomes, and family-centered care.

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### Top-Ranked Children's Cancer Centers

#### 1. St. Jude Children's Research Hospital – Memphis, Tennessee

- **Overview:** One of the most renowned pediatric cancer centers globally, St. Jude focuses exclusively on children's diseases, especially cancer and catastrophic illnesses.
- **Specialties:** Leukemia, brain tumors, sarcomas, and genetic cancer syndromes.
- **Distinctions:** Offers **no-cost treatment** to families; conducts pioneering research in gene therapy, precision medicine, and immunotherapy.
- **Research Impact:** Home to the St. Jude–Washington University Pediatric Cancer Genome Project, which has revolutionized the understanding of childhood cancers.

#### 2. Children's Hospital of Philadelphia (CHOP) – Philadelphia, Pennsylvania

- **Overview:** Consistently among the top pediatric hospitals, CHOP's Cancer Center is a leader in oncology innovation.
- **Specialties:** Bone marrow transplantation, neuro-oncology, and rare solid tumors.
- **Innovations:** First hospital to use **CAR T-cell therapy** (Kymriah) for pediatric leukemia, now FDA-approved.

- **Support Services:** Comprehensive psychosocial programs, family housing, and integrative therapies.
3. **Dana-Farber/Boston Children's Cancer and Blood Disorders Center – Boston, Massachusetts**
- **Overview:** A partnership between Boston Children's Hospital and Dana-Farber Cancer Institute, offering one of the world's largest pediatric oncology programs.
  - **Strengths:** Advanced stem cell transplantation, precision oncology, and survivorship programs.
  - **Clinical Trials:** Access to hundreds of trials for both newly diagnosed and relapsed cancers.
  - **Research Focus:** Genomics, targeted therapies, and immune-based treatments.
4. **Texas Children's Hospital – Houston, Texas**
- **Overview:** The largest children's hospital in the U.S., with a highly ranked pediatric oncology program affiliated with Baylor College of Medicine.
  - **Specialties:** Leukemia, lymphoma, and solid tumors such as neuroblastoma and osteosarcoma.
  - **Programs:** Includes the **Texas Children's Cancer and Hematology Center**, with over 200 active research protocols.
  - **Global Reach:** Provides international collaboration and training through its Global HOPE (Hematology-Oncology Pediatric Excellence) initiative.
5. **Cincinnati Children's Hospital Medical Center – Cincinnati, Ohio**
- **Overview:** Known for its translational research that brings lab discoveries rapidly to patient care.
  - **Expertise:** Bone marrow transplants, brain tumors, and experimental therapies for resistant cancers.
  - **Notable Achievements:** Development of new immunotherapy and precision-medicine approaches for pediatric sarcomas and leukemia.

In fact, USNWR's top five children's cancer centers that year were: 1. Cincinnati Children's, 2. Dana-Farber Boston Children's Cancer and Blood Disorder Center, 3. Children's Hospital of

Philadelphia, 4. Children’s Hospital Colorado, and 5. Children’s National Hospital.<sup>30</sup> That is, ChatGPT incorrectly included two institutions in USNWR’s top five; left off two; and got the rankings order of three of the five wrong.

**Synthetic Search Results – Articles**

81. OpenAI products have also misappropriated USNWR’s vast archive of article content. The following examples show ChatGPT output that incorporates substantial portions of the text of USNWR news articles. The examples show the relevant GPT output, with the verbatim portions from the USNWR work shown in red.<sup>31</sup>

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<sup>30</sup> See [https://health.usnews.com/media/best-hospitals/2024-2025\\_best\\_childrens\\_hospitals\\_methodology](https://health.usnews.com/media/best-hospitals/2024-2025_best_childrens_hospitals_methodology), Page C-2 (last visited November 26, 2025).

<sup>31</sup> See <https://www.usnews.com/news/articles/2008/01/28/john-mccain-prisoner-of-war-a-first-person-account>, <https://www.usnews.com/news/articles/2008/05/09/8-ways-to-fix-the-global-food-crisis?PageNr=5>, <https://www.usnews.com/news/blogs/washington-whispers/2011/11/29/declassified-memo-hinted-of-1941-hawaii-attack->, <https://money.usnews.com/money/blogs/flowchart/2010/08/19/10-great-companies-that-lost-their-edge>, <https://money.usnews.com/money/blogs/flowchart/2010/08/19/10-great-companies-that-lost-their-edge>, <https://health.usnews.com/health-news/blogs/eat-run/2012/08/29/beware-the-scale-learn-the-right-way-to-weigh>, <https://www.usnews.com/education/best-colleges/the-short-list-college/articles/colleges-that-received-the-most-applications>, <https://www.usnews.com/education/best-graduate-schools/top-business-schools/articles/what-an-mba-degree-is-and-what-you-need-to-know>, [https://www.usnews.com/media/pr/2024\\_best\\_high\\_schools\\_methodology.pdf](https://www.usnews.com/media/pr/2024_best_high_schools_methodology.pdf) at 3, <https://www.usnews.com/education/best-colleges/the-short-list-college/articles/colleges-with-the-highest-application-fees>, <https://www.usnews.com/education/best-graduate-schools/articles/what-can-you-do-with-a-computer-science-degree> (last visited November 23, 2023).

Model	Article Title	Screenshot
GPT-4	<u>John McCain, Prisoner of War: A First-Person Account</u>	<p><b>Prompt:</b> John McCain spent 5½ years</p> <hr/> <p><b>Model output:</b></p> <p>in captivity as a POW in North Vietnam. His first-person account of that harrowing ordeal was published in U.S. News in May 1973. Shot down in his Skyhawk dive bomber on Oct. 26, 1967, Navy flier McCain was taken prisoner with fractures in his right leg and both arms. He received minimal care and was kept in wretched conditions that he describes vividly in the U.S. News special report.</p> <p>McCain spent two years in solitary confinement, in a cell measuring just 3 by 3 meters, and was subjected to frequent beatings and interrogations. Despite the harsh treatment, he refused an offer of early release, insisting that those captured before him should be freed first.</p> <p>His captors tried to use his father’s high-ranking position in the U.S. Navy as leverage, but McCain remained steadfast in his refusal to accept preferential treatment. His resilience and defiance became a symbol of American resistance against North Vietnam.</p> <p>In 1973,</p>
GPT-4	8 Ways to Fix the Global Food Crisis	<p><b>Prompt:</b> The world food crisis has two faces.</p> <hr/> <p><b>Model output:</b></p> <p>Here in the United States, shoppers stare in disbelief at the rising price of milk, meat, and eggs. But elsewhere on the globe, anguish spills into the streets, as in Somalia last week when tens of thousands of rioters converged on the capital to protest for food and against those who ruled them. The strain of such protests, over the most essential of commodities, is only increasing.</p> <p>The crisis is twofold. On one hand, we have skyrocketing food prices, causing distress among consumers in wealthy nations and panic among those in poorer countries. The price of wheat has risen 130 percent in the past year, making that basic staple out of reach for millions of people. Rice prices have also soared to record levels. The World Bank estimates that food prices have risen by 83 percent in three years.</p> <p>On the other hand, we have a growing global food shortage. The world’s grain stocks are at their lowest level in 30 years. The reasons for this are complex and manifold:</p>

Model	Article Title	Screenshot
GPT-4	Declassified Memo Hinted of 1941 Hawaii Attack	<p><b>Model output:</b> memo from naval intelligence that Tokyo's military and spy network was focused on Hawaii, a new and eerie reminder of FDR's failure to act on a basket load of tips that war was near.</p> <p>In the newly revealed 20-page memo from FDR's declassified FBI file, the Office of Naval Intelligence on December 4 warned, "In anticipation of possible open conflict with this country, Japan is vigorously utilizing every available agency to secure military, naval and commercial information, with special emphasis on the West Coast, the Panama Canal and the Territory of Hawaii."</p> <p>The memo, published in the new book "December 1941: 31 Days that Changed America and Saved the World" goes on to say that the Japanese were collecting "detailed technical information" that would be specifically used by its navy. To collect and analyze information, they were building a network of spies through their U.S. embassies and consulates.</p> <p>But the most remarkable element of the memo is that it pointed, without any reservation, to Hawaii and specifically Pearl Harbor, as a primary target, underscoring the failure of FDR and his senior advisors to take action to deter the attack.</p> <p>The memo, along with other recently declassified documents, provides further evidence of the multiple warnings that FDR received and his administration's failure to act on them. Critics argue that these oversights allowed the attack on Pearl Harbor to occur, drawing the United States into World War II.</p> <p>The new evidence will certainly fuel the long-standing debate</p>
GPT-4	10 Great Companies That Lost Their Edge	<p><b>Model output:</b> Companies That Lost Their Edge.]</p> <p>There are a few, but many of the world's top companies in 1985 have foundered, shrunk, grown obsolete, or been acquired by rivals that grew stronger. General Motors and Ford, the world's two biggest carmakers in 1985, spent the last decade in a dizzying tailspin, bleeding cash, losing market share, and struggling to stay relevant. IBM, the dominant computer company of the 20th century, is now a diversified</p>
GPT-4	How Mental Illness is Misrepresented in the Media	<p><b>Model output:</b> medical school, chances are the bulk of your knowledge about mental illness comes from the newspapers you read, the television shows you watch and the movies you see. Studies indicate that mass media is one of the public's primary sources of information about disorders such as bipolar, schizophrenia and depression.</p> <p>The problem? Research also suggests most media portrayals of mental illness are stereotypical, negative and incorrect.</p> <p>"Mental illness is frequently portrayed in a negative light," says Otto Wahl, professor of psychology at the University of</p>

Model	Article Title	Screenshot
GPT-4	Beware the Scale: Learn the Right Way to Weigh	<p><b>Model output:</b>  scale after every meal. This poses a problem, because weight tends to fluctuate, on average, between 2 to 4 pounds throughout the day. The number that you see first thing in the morning may be far from the number you see midday or before your head hits the pillow. However, despite its potential inconsistencies, a scale isn't necessarily an inaccurate tool for weight loss.  The key to accurately weighing yourself is consistency. Choose one time of day to step on the scale and stick with</p>
GPT-4.1	10 Colleges That Received the Most Applications	<p><b>Model output:</b>  of providing students and parents a way to find which undergraduate or graduate programs excel or have room to grow in specific areas. Be sure to explore The Short List: College, The Short List: Grad School and The Short List</p>
GPT-4.1	What an MBA Degree Is and What You Need to Know	<p><b>Model output:</b>  large corporations and a valuable asset for budding entrepreneurs. It's a credential that appears on the resumes of numerous Fortune 500 executives, including Walmart CEO Doug McMillon, who earned his MBA at the University of Tulsa in Oklahoma, and Facebook COO Sheryl Sandberg, an MBA alumna of Harvard Business School in Massachusetts.  But while many prominent business executives hold an MBA, the degree isn't a golden ticket to fame or fortune. In fact, some business leaders say an MBA is neither necessary nor sufficient for achieving career success, and they argue that aspiring executives should carefully consider whether the degree is worth the investment.</p>
GPT-4.1	How U.S. News Calculated the 2024 Best High Schools Rankings	<p><b>Model output:</b>  Report's 2024 Best High Schools rankings are those whose students demonstrated outstanding outcomes above expectations in math, reading and science state assessments, earned qualifying scores on an array of college-level exams, and graduated in high proportions.</p>
GPT-4.1	Colleges With The Highest Application Fees	<p><b>Model output:</b>  colleges excel or have room to grow in specific areas that are important to them. Be sure to explore The Short List: College, The Short List: Grad School and The Short List: Online Programs to find data that matters to you in your college or graduate school search.</p>

Model	Article Title	Screenshot
GPT-4.1	What Can You Do With a Computer Science Degree?	<p><b>Model output:</b>  software systems, and a degree in the discipline allows someone to pursue a variety of careers - and not just in Silicon Valley. Depending on a student's</p>

82. These examples demonstrate that OpenAI's products: (i) have memorized Protected USNWR Content, and (ii) regurgitate verbatim or near-verbatim quotations from Protected USNWR Content, as well as substantially similar outputs and derivatives of Protected USNWR Content. Most disturbingly, the simulacra and derivatives have been shown to include misleading information that does not accurately reflect the content of the USNWR work from which the regurgitated content was taken.

83. The foregoing examples, as well as the explanation of (i) the means by which OpenAI acquired Protected USNWR Content for use in its models and products, and (ii) the means by which OpenAI has used Protected USNWR Content in the development and operation of its models and Products, establish at least a reasonable inference that (x) OpenAI's models and products were trained on, have memorized, and regurgitate Protected USNWR Content, and (y) that all Protected USNWR Content is available and produced when prompted by user queries. Further information regarding the regurgitation and output of Protected USNWR Content is solely in OpenAI's possession, custody, and control.

### 3. *Willful Infringement*

84. OpenAI's unauthorized reproduction and display of Protected USNWR Content is willful. Defendants were intimately involved in training, fine-tuning, and otherwise testing the GPT models. Defendants knew or should have known that these actions involved unauthorized copying of the Protected USNWR Content on a massive scale during training, resulted in the

unauthorized encoding of huge numbers of such works in the models themselves, and would inevitably result in the unauthorized display of such works that the models had either memorized or would present to users in the form of synthetic search results. In fact, in late 2023 before his ouster and subsequent reinstatement as OpenAI's CEO, Sam Altman reportedly clashed with OpenAI board member Helen Toner over a paper Toner wrote criticizing the company over "safety and ethics issues related to the launches of ChatGPT and GPT-4, including regarding copyright issues."<sup>32</sup>

85. USNWR has put OpenAI on notice that these uses of the USNWR's content were not authorized by placing copyright notices on USNWR's websites, as well as on other USNWR publications available in print or on-line form. In addition, USNWR's websites include a link to the terms of service, which contain, among other things, terms and conditions for the use of the website materials.

86. USNWR also deployed the Robot Exclusion Protocol, robots.txt, which includes directives that expressly disallow OpenAI's web crawlers, GPTBot, and ChatGPT-User, from accessing and indexing content from usnews.com.<sup>33</sup> As widely report, USNWR is one of over 1,000 news organizations that have adopted the robot.txt program, by which they express their intention that OpenAI not scan their sites.<sup>34</sup>

87. OpenAI has thus willfully refused to respect USNWR's copyrights, to comply with the terms of service, and to comply with the Robot Exclusion Protocol.

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<sup>32</sup> Andrew Imbrie, Owen J. Daniels & Helen Toner, *Decoding Intentions*, CENTER FOR SECURITY AND EMERGING TECHNOLOGY (Oct. 2023).

<sup>33</sup> <https://www.usnews.com/robots.txt>

<sup>34</sup> *Who blocks OpenAI, Google AI and Common Crawl?*, PALEWIRE, <https://palewi.re/docs/news-homepages/openai-gptbot-robotstxt.html> (last visited November 13, 2025).

88. Upon information and belief, OpenAI was aware of many examples of copyright infringement after ChatGPT products were released, some of which were widely publicized. These include multiple lawsuits (dating back to 2023) pending in this Court that allege such copyright infringement.

#### **D. Defendants' Material Contributions to End-User Infringement**

89. Should OpenAI argue that the end-user is the direct infringer when the OpenAI products output unauthorized copies of the Protected USNWR Content, OpenAI directly and materially aided in such infringement by providing end users with unauthorized copies of that content.

90. OpenAI know or should have known about infringement by end-users for multiple reasons.

91. First, OpenAI knew or reasonably should have known that training the GPT models on the Protected USNWR Content would result in OpenAI's products outputting material that infringes Protected USNWR Content. The Defendants know that the GPT models have the propensity to "memorize" training materials such that the GPT models regurgitate those training materials in response to prompts.<sup>35</sup> Indeed, the propensity of LLMs to memorize training data is a well-known and well-documented behavior in the industry.<sup>36</sup>

92. Second, OpenAI knew or reasonably should have known that end-users use the OpenAI products to elicit copyrighted content based on, *inter alia*, OpenAI's own acknowledgment of the issue on its website.<sup>37</sup> Despite recognizing that its models can reproduce

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<sup>35</sup> *OpenAI and Journalism*, OPENAI, <https://openai.com/blog/openai-and-journalism> (last visited November 24, 2025).

<sup>36</sup> Gerrit J.J. Van Den Burg & Christopher K.I. Williams, *On Memorization in Probabilistic Deep Generative Models* (2021), <https://proceedings.neurips.cc/paper/2021/file/ea15aabaa768ae4a5993a8a4f4fa6e4-Paper.pdf>.

<sup>37</sup> *How do I use ChatGPT Browse with Bing to search the web?*, INTERNET ARCHIVE, <https://web.archive.org/web/20230704050417/https://help.openai.com/en/articles/8077698-how-do-i-use-chatgpt-browse-with-bing-to-search-the-web> (last visited November 23, 2025).

copyrighted content, and despite being aware that at least some of its users use the GPT-based products to do so, OpenAI continued to use copyrighted material without authorization.

93. Well publicized reporting also describes use of the OpenAI models to create disinformation, misinformation, or simply poor replications of copyrighted content on AI-generated “pink-slime” news sites.<sup>38</sup> OpenAI was aware of the risk of such use of the GPT models to create unauthorized copies and derivatives of copyrighted content,<sup>39</sup> and upon information and belief, was aware or should have been aware of the actual use of its models to replicate such material.

94. Indeed, as further evidence that OpenAI knew or reasonably should have known that end users use its GPT models to reproduce copyrighted content, OpenAI’s Custom GPT Store has contained numerous Custom GPTs specifically designed to reproduce copyrighted content, despite OpenAI’s representation that it “set up new systems to help review GPTs against [OpenAI’s] usage policies” and that it “continue[s] to monitor and learn how people use GPTs”.<sup>40</sup> For illustrative examples, OpenAI’s store has included a “News Aggregator” Custom GPT, designed to “offer[] personalized news feeds.”

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<sup>38</sup> Jack Brewster, *How I Built an AI-Powered, Self-Running Propaganda Machine for \$105*, WALL STREET JOURNAL (Apr. 12, 2024), <https://www.wsj.com/politics/how-i-built-an-ai-powered-self-running-propaganda-machine-for-105-e9888705>; Jack Brewster et al., *The Year AI Supercharged Misinformation: NewsGuard’s 2023 in Review*, NEWSGUARD (Dec. 27, 2023), <https://www.newsguardtech.com/misinformation-monitor/december-2023/>.

<sup>39</sup> Sébastien Bubeck et al., *Sparks of Artificial General Intelligence: Early Experiments With Gpt-4* (2023), <https://arxiv.org/pdf/2303.12712.pdf>.

<sup>40</sup> *Introducing GPTs*, OPENAI (Nov. 6, 2023), <https://openai.com/blog/introducing-gpts>.



## News Aggregator

By Abhishek Gupta 

AI-driven news aggregator, summarizer, and fact-checker, offering personalized news feeds.

Latest tech news.

Latest AI news.

Latest Global and  
Stock market news.

Create a news  
feed based on my  
interests in scienc...

95. OpenAI also supports Custom GPT products designed to output USNWR’s famous rankings and methodologies.

96. For example, a GPT titled “College Ranking”<sup>41</sup> is described as an “[a]nalytical evaluator of colleges and universities.”

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<sup>41</sup> <https://chatgpt.com/g/g-EuLErao81-college-ranking>.



Log in



## College Ranking

By ai-gen.co  

Analytical evaluator of colleges and universities.

What factors are considered in college rankings?	How do you rank colleges based on academic...	Can you compare research output of two universities?	What is the importance of student satisfactio...
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97. As shown below, when requested, the “College Ranking” GPT will readily output Protected USNWR Content.

11/24/25, 9:28 PM

ChatGPT - College Ranking

Give me the top source for US law school rankings and provide the rankings

The most widely recognized and cited source for U.S. law school rankings is the **U.S. News & World Report**. Despite criticism over methodology and influence, it remains the most influential law school ranking system in the United States and is often used by prospective students, employers, and law schools themselves as a benchmark.

#### ◆ Top Source: U.S. News & World Report – Best Law Schools Rankings

Latest Edition: *2024–2025 Best Law Schools*

Published: April 2024

Methodology Summary:

- Bar passage rate (18%)
- Employment outcomes (26%)
- Peer assessment (12.5%)
- Assessment by lawyers/judges (12.5%)
- LSAT/GRE scores, GPA (21%)
- Faculty resources (10%)

★ Note: Starting in 2023, U.S. News made several methodological changes in response to criticism and law school boycotts, increasing weight on outcomes like bar passage and employment.

#### 🏛️ Top 14 U.S. Law Schools ("T14") – U.S. News 2024–2025 Rankings

Rank	Law School	Location
1 (tie)	Stanford University	Stanford, CA
1 (tie)	Yale University	New Haven, CT
3	University of Chicago	Chicago, IL

11/24/25, 9:28 PM

ChatGPT - College Ranking

Rank	Law School	Location
4	University of Pennsylvania (Carey)	Philadelphia, PA
5	Duke University	Durham, NC
6 (tie)	Harvard University	Cambridge, MA
6 (tie)	New York University (NYU)	New York, NY
8	Columbia University	New York, NY
9	University of Virginia	Charlottesville, VA
10	Northwestern University (Pritzker)	Chicago, IL
11	University of Michigan–Ann Arbor	Ann Arbor, MI
12	Cornell University	Ithaca, NY
13	University of California–Berkeley	Berkeley, CA
14	University of California–Los Angeles (UCLA)	Los Angeles, CA

**⚠ Additional Notes:**

- The “T14” refers to the top 14 law schools, which historically have had a lock on elite employment outcomes.
- Columbia, Harvard, and Berkeley dropped slightly in recent years due to changes in methodology emphasizing bar passage and employment over reputation.
- Some top schools (e.g., Harvard, Yale, Stanford) publicly criticized and withdrew from participating in U.S. News rankings in 2022–2023, though U.S. News continued to rank them using publicly available data.

98. Similarly, OpenAI supports a GPT titled “World Class Private Hospitals,” which is described as a “[g]uide on world-class private hospitals, detailing services, state of the art facilities, high quality patient care, specialties, websites, and patient reviews.”<sup>42</sup>

<sup>42</sup> <https://chatgpt.com/g/g-m1yuA1eYQ-world-class-private-hospitals>

spitals 5.1 ▾



## World Class Private Hospitals

By the1ai.com 

Guide on world-class private hospitals, detailing services, state of the art facilities, high quality patient care, specialities, websites, and patient reviews.

Tell me about the best private hospitals for cardi...

Leading private hospitals for orthopedic...

List advanced neurology departments in...

Information on private hospitals with transparent...

99. As shown below, when requested, the “World Class Private Hospitals” GPT will readily output Protected USNWR Content.

9:17 PM

ChatGPT - World Class Private Hospitals

Below is the **most recent U.S. News & World Report *Best Hospitals Honor Roll*** (2024–2025 list).

*Note: U.S. News rankings cover U.S. hospitals only, and include both private and public systems.*

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## U.S. News Best Hospitals Honor Roll 2024–2025

U.S. News named **22 hospitals** to the Honor Roll based on excellence across multiple adult specialties and procedures.

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### 1. Mayo Clinic – Rochester, Minnesota

**Type:** Non-profit, private academic

**Known for:** Cardiology, oncology, gastroenterology, neurology, orthopedics

**Highlights:** Global benchmark for coordinated multidisciplinary care

**Website:** <https://www.mayoclinic.org> ↗

**Patient feedback:** Praised for thorough diagnostics; some note long wait times for appointments.

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### 2. Cedars-Sinai Medical Center – Los Angeles, California

**Type:** Non-profit, private

**Known for:** Cardiology, orthopedics, gastroenterology, neurosurgery

**Website:** <https://www.cedars-sinai.org> ↗

100. OpenAI approved and continues monitor and support these Custom GPT products on its platform, notwithstanding its representation that it “led the AI industry in providing a simple opt-out process for publishers ... to prevent [its] tools from accessing their sites.”<sup>43</sup>

101. Moreover, such Custom GPTs are easily accessible due to the shared nature of OpenAI’s links. For example, one may locate Custom GPTs capable of summarizing news by searching on Google for: “site:chatgpt.com ‘news summarizer’” or “site:chatgpt.com ‘rankings.’”

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<sup>43</sup> *OpenAI and Journalism*, OPENAI (Jan. 8, 2024), <https://openai.com/blog/openai-and-journalism>.

102. Third, on information and belief, OpenAI has the ability to monitor users that infringe the rights of copyright owners such as USNWR. For example, in at least some instances where ChatGPT detects that a user’s query seeks to elicit output violating the OpenAI content policy, which requires that users “comply with all applicable laws,”<sup>44</sup> instead of providing the requested output, ChatGPT will sometimes provide a message to the user stating, “this content may violate our content policy.”

This content may violate our [content policy](#). If you believe this to be in error, please [submit your feedback](#) — your input will aid our research in this area.

103. Not only is OpenAI capable of monitoring infringing outputs from their GPT-based products, it has the ability to terminate user accounts that request and elicit copyrighted content from USNWR and other rights holders. ChatGPT’s Terms of Use provide<sup>45</sup>:

We reserve the right to suspend or terminate your access to our Services or delete your account if we determine:

- You breached these Terms or our Usage Policies.
- We must do so to comply with the law.
- Your use of our Services could cause risk or harm to OpenAI, our users, or anyone else.

104. Fourth, on information and belief, OpenAI controls the output of its products through fine-tuning, reinforcement learning from human feedback, and filtering, among other controls. Although OpenAI has the ability to prevent the GenAI products from outputting material that infringes USNWR’s rights, it has failed to implement such measures.

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<sup>44</sup> *Terms of Use*, OPENAI, <https://openai.com/policies/terms-of-use/> (last visited November 26, 2025).

<sup>45</sup> *Id.*

**E. Defendants’ Removal of Copyright Management Information from Protected USNWR Content**

105. USNWR conveys copyright management information (“CMI”) with its content. For example, USNWR print and on-line publications include CMI, including a copyright notice, such as the following:



To Whom It May Concern:

U.S. News & World Report’s “Best Hospitals: Specialty Rankings” study is the sole and exclusive property of U.S. News & World Report, L.P., which owns all rights, including but not limited to copyright, in and to the attached data and material. Any party wishing to cite, reference, publish or otherwise disclose the information contained herein may do so only with the prior written consent of U.S. News. Any U.S. News-approved reference or citation must identify the source as “U.S. News & World Report’s Best Hospitals” and must include the following credit line: “Copyright © 2023 U.S. News & World Report, L.P. Data reprinted with permission from U.S. News.” For permission to cite or use, contact [permissions@usnews.com](mailto:permissions@usnews.com).

106. USNWR also conveys its terms and conditions and a copyright notice in a footer on its webpage. For example:



107. OpenAI intentionally removed USNWR’s CMI from the Protected USNWR Content in the process of scraping the Protected USNWR Content from USNWR’s websites, storing the Protected USNWR Content in training datasets, using the Protected USNWR Content to train the GenAI products and/or in distributing unauthorized copies of the Protected USNWR Content through the operation of Defendants’ GenAI products. OpenAI knew that by removing

USNWR's CMI, the CMI would not be retained within the GPT models and/or displayed when its products disseminate unauthorized copies of the Protected USNWR Content to end-users, and thereby would conceal the Defendants' own infringement as well as induce, enable, facilitate, or conceal end-users' infringement resulting from their operation of the Defendants' GenAI products.

108. OpenAI intentionally removed USNWR CMI from the Protected USNWR Content in one or more different ways. For example, in order to construct the datasets used to train their GenAI products, OpenAI used content extractors that, by design, removed USNWR's CMI from the Protected USNWR Content. For example, OpenAI used the Dragnet<sup>46</sup> and Newspaper<sup>47</sup> content extractors<sup>48</sup> in creating the WebText dataset, which intentionally removed USNWR's CMI from the Protected USNWR Content scraped from USNWR's website. Upon information and belief, OpenAI used these two extraction methods, rather than one method, to create redundancies in case one method experienced a bug or did not work properly in a given case. Applying two methods rather than one would lead to a training set that is more consistent in the kind of content it contains, which is desirable from a training perspective. The abstract of the paper describing the Dragnet content extractor states that copyright notices are removed as part of the process of extracting the text content of a website: "The goal of content extraction or boilerplate detection is to separate the main content from navigation chrome, advertising blocks, copyright notices and the like in web pages."<sup>49</sup> Likewise, upon information and belief, the Newspaper content extractor operates according to instructions to separate and extract the article text on USNWR's webpages

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<sup>46</sup> Matthew E. Peters & Dan Lecocq, *Content Extraction Using Diverse Feature Sets*, WWW '13 COMPANION (May 2013).

<sup>47</sup> *codelucas/newspaper*, GITHUB, <https://github.com/codelucas/newspaper> (last visited November 24, 2025).

<sup>48</sup> *Language Models Are Unsupervised Multitask Learners 3*, *supra* n. 15.

<sup>49</sup> *Content Extraction Using Diverse Feature Sets*, *supra* n. 46.

while removing USNWR's CMI, including USNWR's CMI located in the footer of the webpages, which includes USNWR's terms and conditions and copyright notices.

109. Dragnet's algorithms are designed to "separate the main article content" from other parts of the website, including "footers" and "copyright notices," and allow the extractor to make further copies only of the "main article content." Dragnet is also unable to extract author and title information from the header or byline, and extracts it only if it happens to be separately contained in the main article content. Put differently, copies of news articles made by Dragnet are designed *not* to contain author, title, copyright notices, and footers, and do not contain such information unless it happens to be contained in the main article content.

110. Like Dragnet, the Newspaper algorithms are incapable of extracting copyright notices and footers. Further, a user of Newspaper has the choice to extract or not extract author and title information. On information and belief, the OpenAI Defendants chose not to extract author and title information because they desired consistency with the Dragnet extractions, and Dragnet is typically unable to extract author and title information.

111. In applying the Dragnet and Newspaper algorithms while assembling the WebText dataset, the OpenAI Defendants removed Plaintiff's author, title, copyright notice, and terms of use information, the latter of which is contained in the footers of Plaintiff's websites.

112. Upon information and belief, the OpenAI Defendants, when using Dragnet and Newspaper, first download and save the relevant webpage before extracting data from it. This is at least because, when they use Dragnet and Newspaper, they likely anticipate a possible future need to regenerate the dataset (e.g., if the dataset becomes corrupted), and it is cheaper to save a copy than it is to recrawl all the data.

113. Because, by the time of its scraping, Dragnet and Newspaper were publicly known to remove author, title, copyright notices, and footers, and given that OpenAI employs highly skilled data scientists who would know how Dragnet and Newspaper work, the OpenAI Defendants intentionally and knowingly removed this copyright management information while assembling WebText.

114. Public recreations of OpenAI's WebText2 dataset further suggest that OpenAI removed USNWR's CMI from the Protected USNWR Content scraped from USNWR's website. For example, the OpenWebText2 dataset contains the identical article text from the USNWR article titled "Best Cars for the Money Awards 2020," but with the CMI removed.<sup>50</sup>



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<sup>50</sup> See <https://cars.usnews.com/cars-trucks/best-cars-for-the-money-2020> (last visited November 23, 2025).

Datasets: vietgpt the\_pile\_openwebtext2 like 3 Follow VietGPT 33

Split (1)  
train · 17.1M rows

Q vincentric

title string · lengths 	text string · lengths 	reddit_scores list
Frugal Shopper: No, Hybrids Don't Cost More To Repair And Maintain	Hybrids like the 2011 Toyota Prius cost more to repair and maintain, right? It would seem, given all the additional technical complexity and computational wizardry in hybrids, that they would. And it's a myth...	[ 6 ]
The 15 Most Overpriced Cars And The 20 Best Auto Bargains in the Market Today	We all know that this is definitely a buyers' market. There hasn't been a time in recent history when deals and incentives were so prolific. There are special credits like the Cash for Clunkers program, fede...	[ 1, 0, 7 ]
Best Cars for the Money Awards 2020	<p>When you need a new car, it's tempting to buy the cheapest one you can. As long as a car gets you from point A to point B, the thinking goes, it's good enough. Though there is some truth to that argument, it doesn't take the full picture of owning and living with a car into account. That car with the super-low price tag might be a bear to insure. It might leave you with hefty repair bills, or it might guzzle gas.</p> <p>That car might not meet your daily needs either. Your family may hate being crammed in its small back seat, it might not have all the cargo space you need, or its harsh ride or underpowered engine might turn your commute into a slog. That cheap car may also lack the latest safety equipment, and while it's true that you can drive without a suite of in-car connectivity apps, they do make finding your way a lot easier and the trip more pleasant.</p> <p>Finding the balance between a good car and a cheap car is where the Best Cars for the Money awards come in. The awards cover 11 different automotive classes. The winners have the best combination of quality and value in their respective classes, so they're all good cars that are also good long-term deals.</p> <p>How We Measured Quality</p> <p>To measure a vehicle's quality, we use the overall score from the U.S. News Best Car rankings. A model's overall score in our vehicle rankings isn't based on the opinions or tests of U.S. News editors. Instead, we collect and analyze every published, credible review of a given model to get the consensus of the automotive press on things like how well a car drives, how comfortable its interior is, and how well its connectivity and tech features work. We combine that analysis with safety and reliability data to get a numerical overall score, which we use to measure quality in the Best Cars for the Money awards.</p> <p>How We Measured Value</p> <p>The actual cost of a car is much more than just the final negotiated price. A car has significant ongoing costs, like repairs, fuel, and insurance. To measure the kind of value a car offers, we start with real-time transaction prices reported by our partner TrueCar. We then combine that information with five-year total ownership costs from Vincentric. Those two measures together provide a car's value score for the Best Cars for the Money.</p> <p>See the photo gallery of the winners »</p>	[ 3 ]
Do You Really Know How Much It Costs To Own Your Car?	Do You Really Know How Much It Costs To Own Your Car? A Ferrari Enzo is one of the most expensive cars around, and every time one of these gets totaled, it ends up in the news. There was a particular one tha...	[ 3 ]

115. Upon information and belief, OpenAI removed the CMI conveyed with the Protected USNWR Content when creating their other training datasets for the GPT models.

116. The absence of author, title, copyright notice, and terms of use information from the copies of Protected USNWR Content generated by applying the Dagnet and Newspaper codes—codes that OpenAI has admitted to have intentionally used when assembling WebText—further corroborates that OpenAI intentionally removed author, title, copyright notice, and terms of use information from Protected USNWR Content.

117. Upon information and belief, OpenAI has continued to use the same or similar Dagnet and Newspaper text extraction methods when creating training sets for every version of ChatGPT since GPT-2. This is at least because OpenAI has admitted to using these methods for

GPT-2 and has neither publicly disclaimed their use for later version of ChatGPT nor publicly claimed to have used any other text extraction methods for those later versions.

118. Moreover, OpenAI distributed the Protected USNWR Content as output of the GenAI products knowing that the CMI originally conveyed with the Protected USNWR Content was removed without USNWR's permission. OpenAI did so knowing that such distribution would induce, enable, facilitate, or conceal the Defendants' infringement or the infringement by an end-user of the GenAI Products.

119. The publication of this article on the usnews.com website included CMI such as the authors' names, USNWR's copyright notice, and the USNWR's terms of service. Despite this CMI being conveyed in connection with the article when it was ingested by Defendants' GenAI products, Defendants omitted such CMI from ChatGPT's reproduction of the identical article.

120. OpenAI knew that removing USNWR CMI would conceal or facilitate infringement. For example, as reflected in the output from ChatGPT below, OpenAI knew that the Protected USNWR Content should not be reproduced without permission.

### 3. Executive Summary (copyright-restricted excerpt)

"U.S. News & World Report began publishing hospital rankings in 1990, as 'America's Best Hospitals,' to identify the medical centers in various specialties best suited to patients whose illnesses pose unusual challenges because of underlying conditions, procedure difficulty, advanced age or other medical issues that add risk." rti.org

#### Why only an excerpt?

The full Executive Summary is © 2023 U.S. News & World Report, L.P. Because it is copyrighted and your request is location-based, I'm unable to reproduce it in full. You can read or download the complete text (pages i-iii of the PDF) directly from RTI International: <https://rti.org/publication/methodology-u-news-amp-world-report-best-hospitals-2023-24-specialty-rankings>.

121. Moreover, OpenAI removed the CMI with the intent to allow end-users to claim as their own the Protected USNWR Content output from the GenAI products. For example, OpenAI's terms of use provide that end-users "own the Output" notwithstanding the fact that the output contains reproductions of the Protected USNWR Content.<sup>51</sup>

122. Accordingly, Defendants knew or should have known that removing USNWR CMI from the Protected USNWR Content, and outputting the Protected USNWR Content without the CMI, wrongfully implied that OpenAI had permission to use the Protected USNWR Content, thus concealing their own infringement. OpenAI also knew or should have known that removing the CMI in this manner would induce, enable, conceal, or facilitate infringement by end-users of the GenAI products.

#### **F. Profit to Defendants**

123. Each Defendant has greatly benefited from its wrongful conduct in multiple ways – and most notably, the financial benefits to OpenAI from its unlawful conduct have been monumental.

124. According to Sam Altman, OpenAI's CEO, in April 2025 ChatGPT had close to 800 million users.<sup>52</sup> A subset of those users pay for ChatGPT Plus, for which OpenAI charges users \$20 per month.<sup>53</sup> When announcing the release of ChatGPT Enterprise, a subscription-based high-capability GPT-4 application targeted at corporate clients, in August 2023, OpenAI claimed that teams in "over 80% of Fortune 500 companies" were using its products.<sup>54</sup>

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<sup>51</sup> *Terms of Use*, *supra* n. 44.

<sup>52</sup> Nerdynav, *Latest ChatGPT Statistics: 800M+ Users, Revenue (Oct 2025)*, NERDYNAV (Oct. 5, 2025), <https://nerdynav.com/chatgpt-statistics/>

<sup>53</sup> OpenAI, *Introducing ChatGPT Plus*, OPENAI (Feb. 1, 2023), <https://openai.com/blog/chatgpt-plus>.

<sup>54</sup> *Introducing ChatGPT Enterprise*, *supra* n. 9.

125. As of March 2025, OpenAI was on pace to generate more than \$12.7 billion in revenue in 2025—more than \$1 billion in revenue per month.<sup>55</sup> As noted above, in 2025 it was reported that OpenAI is valued at \$500 billion.<sup>56</sup>

126. None of this would have been possible had OpenAI not used copyrighted content, including the Protected USNWR Content, to develop its models and products.

### **G. Harm to USNWR**

127. OpenAI's unlawful conduct has caused, and will continue to cause, substantial harm to USNWR. USNWR has spent hundreds of millions of dollars and uncountable hours to gather news and information for the reports it provides to its readers. Those readers support USNWR's businesses by clicking onto usnews.com (enhancing ad revenue), by purchasing USNWR publications, and by using services offered by USNWR's Affiliates.

128. Defendants' illegal and unauthorized use of the Protected USNWR Content to train GenAI models has enabled Defendants to create products that provide news and information plagiarized and stolen from USNWR. Such activity fundamentally undermines USNWR's business model, because it results in substitutive products. By providing access to those substitutive products, OpenAI siphons off existing and potential USNWR customers through their unlawful and uncompensated use of the USNWR's own products.

129. Defendants' practice of generating misinformation and then wrongfully attributing it to USNWR's brands further aggravates the harm to USNWR. These "hallucinations" undermine USNWR's credibility and reputation, and devalue USNWR's investment, goodwill, and reputation.

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<sup>55</sup> Martine Paris, *ChatGPT Fuels \$300 Billion Valuation, Waymo Taps Uber, AI Wins SXSW*, FORBES (Mar. 31, 2025) <https://www.forbes.com/sites/martineparis/2025/03/31/top-ai-stars-of-sxsw-2025-from-waymo-uber-to-woolly-mouse/>

<sup>56</sup> <https://openai.com/index/march-funding-updates/>

130. Defendants' illegal use and distribution of the Protected USNWR Content damages USNWR's ability to attract and retain readers while at the same time placing USNWR's credibility and reputation at risk.

**COUNT I: Copyright Infringement (17 U.S.C. § 501)**

131. USNWR incorporate by reference and reallege the preceding allegations as though fully set forth herein.

132. USNWR is the owner of the registered copyrights listed in Exhibits A-D.

133. By illegally building training datasets containing USNWR's copyrighted works, including by scraping copies of the Protected USNWR Content from USNWR's websites and reproducing these works from third-party datasets, OpenAI directly infringed USNWR's exclusive rights in its copyrighted works.

134. By storing, processing, and reproducing USNWR's copyrighted works in training the GPT models, OpenAI directly infringed USNWR's exclusive rights in its copyrighted works.

135. On information and belief, by storing, processing, and reproducing the GPT models trained on USNWR's copyrighted works, which GPT models themselves have memorized, OpenAI has directly infringed USNWR's exclusive rights in its copyrighted works.

136. By disseminating generative output containing copies and derivatives of the Protected USNWR Content through the ChatGPT offerings, OpenAI has directly infringed USNWR's exclusive rights in its copyrighted works.

137. On information and belief, OpenAI's infringing conduct alleged herein was and continues to be willful and carried out with full knowledge of USNWR's rights. As a direct result of their conduct, OpenAI has wrongfully profited from copyrighted works that they do not own.

138. By and through the actions alleged above, OpenAI has infringed and will continue to infringe USNWR's copyrights.

139. As a direct and proximate result of OpenAI's infringing conduct alleged herein, USNWR has sustained and will continue to sustain substantial, immediate, and irreparable injury for which there is no adequate remedy at law. Unless OpenAI's infringing conduct is enjoined by this Court, OpenAI has demonstrated an intent to continue to infringe USNWR's copyrighted works. USNWR is therefore entitled to permanent injunctive relief restraining and enjoining OpenAI's ongoing infringing conduct.

140. USNWR is further entitled to recover statutory damages, actual damages, restitution of profits, attorneys' fees, and other remedies provided by law.

**COUNT II: Contributory Copyright Infringement**

141. USNWR incorporates by reference and realleges the preceding allegations as though fully set forth herein.

142. In the alternative, to the extent that OpenAI argues that an end-user (rather than OpenAI) should be liable as a direct infringer based on the output of the GPT-based products, OpenAI materially contributed to and directly assisted with the direct infringement perpetrated by end-users of the GPT-based products by way of: (i) developing LLM models capable of distributing unlicensed copies of the Protected USNWR Content to end-users; (ii) building and training the GPT LLMs using Protected USNWR Content; and (iii) deciding what content is actually outputted by the GenAI products, such as grounding output in the Protected USNWR Content through retrieval augmented generation, fine-tuning the models for desired outcomes, and/or selecting and weighting the parameters of the GPT LLMs.

143. On information and belief OpenAI continues to maintain and support user accounts that are used to retrieve infringing output from its GPT-based products.

144. OpenAI had either actual knowledge or constructive knowledge of the direct infringement by end-users or were willfully blind to the direct infringement of end-users because:

(i) OpenAI undertakes extensive efforts in developing, testing, and troubleshooting their LLM models and GPT-based products; (ii) it programmed its systems to flag infringing outputs and prompts seeking infringing output; (iii) it has been repeatedly informed of instances where their GPT-based products output infringing content to users and the capability of their GPT-based models to produce infringing output has been the subject of public conversation; (iv) it is aware that at least some users use their GPT-based products for the purpose of accessing copyrighted works; and (v) it has publicly recognized and admitted that their GPT-based products are capable of distributing unlicensed copies of copyrighted works and derivatives thereof.

**COUNT III: Digital Millennium Copyright Act – Removal of Copyright Management Information (17 U.S.C. § 1202)**

145. USNWR incorporates by reference and realleges the preceding allegations as though fully set forth herein.

146. USNWR included one or more forms of copyright-management information in each of the Protected USNWR Content, including: a copyright notice, authors' names, publisher's name, title and other identifying information, terms and conditions of use, and identifying numbers or symbols referring to the copyright-management information.

147. Without USNWR's authority, OpenAI copied the Protected USNWR Content and used them as training data for their GenAI models.

148. On information and belief, OpenAI removed USNWR's copyright-management information when building the training datasets containing copies of USNWR's works, including removing USNWR's copyright-management information from the Protected USNWR Content scraped directly from USNWR's websites and removing USNWR's copyright-management information from the Protected USNWR Content reproduced from third-party datasets.

149. On information and belief, OpenAI removed USNWR's copyright-management information through generating synthetic search results, including removing USNWR's copyright-management information when scraping the Protected USNWR Content from USNWR's websites and generating copies or derivatives of the Protected USNWR Content as the output of ChatGPT offerings.

150. OpenAI removed USNWR's copyright-management information in generating outputs from the GPT models containing copies or derivatives of Protected USNWR Content.

151. By design, OpenAI's GPT-based products do not preserve any copyright-management information, and the outputs of OpenAI's GPT models removed any copyright notices, titles, and identifying information, despite the fact that those outputs were often verbatim reproductions of Protected USNWR Content. Therefore, OpenAI intentionally removed copyright-management information from the Protected USNWR Content in violation of 17 U.S.C. § 1202(b)(1).

152. OpenAI's removal or alteration of USNWR's copyright-management information has been done knowingly and with the intent to induce, enable, facilitate, or conceal Defendants' or end-users' infringement of USNWR's copyrights.

153. OpenAI knew or had reasonable grounds to know that its removal of copyright-management information would facilitate copyright infringement by concealing the fact that the GPT models are infringing copyrighted works and that outputs from the GPT models are infringing copies and derivative works.

154. USNWR has been injured by OpenAI's removal of copyright-management information. USNWR is entitled to statutory damages, actual damages, restitution of profits, and other remedies provided by law, including full costs and attorneys' fees.

**COUNT IV: Trademark Infringement (15 U.S.C. § 1114)**

155. USNWR incorporates by reference and realleges the preceding allegations as though fully set forth herein.

156. USNWR is the exclusive owner of the Federally registered USNWR Marks referenced in Exhibit E, including Reg. No. 847644 for the name “U.S. News & World Report.” USNWR has used, and continues to use, the USNWR Marks on its products and publications, including the usnews.com website, as well as other websites and publications.

157. USNWR has used, and continues to use, the USNWR Marks in interstate commerce.

158. Each of the USNWR Marks is incontestable as a result of USNWR’s registration and continued use of the marks.

159. The USNWR Marks have acquired extraordinary fame and distinctiveness, and are associated in the public mind exclusively with USNWR.

160. OpenAI has incorporated materials that bear at least the USNWR Marks into the training and development of its products such that, when prompted, OpenAI products copy USNWR Marks, including at least the mark in Reg. No. 847644, in the products’ output. OpenAI’s use, reproduction, and distribution of materials that bear the USNWR Marks in commerce is likely to cause confusion and mistake in the mind of the public, leading the public to believe that OpenAI’s output emanates or originates from USNWR, or that USNWR has approved, sponsored, or otherwise associated itself with OpenAI’s output.

161. OpenAI’s use of any of USNWR Marks is without USNWR’s consent or authorization.

162. Through its unauthorized use of the USNWR Marks OpenAI is benefiting from and misappropriating USNWR's goodwill and reputation, as well as the fame of the USNWR Marks. This has resulted in substantial and irreparable injury to the public and to USNWR.

163. Upon information and belief, at all relevant times, OpenAI had actual and direct knowledge that its GPT models and other models incorporated the USNWR Marks, and that when prompted, the models would include infringing copies of the USNWR Marks in its output. Accordingly, upon information and belief, OpenAI's infringement of the USNWR Marks was willful.

164. OpenAI's conduct constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

165. As an actual and proximate result of the unauthorized use of the USNWR Marks, USNWR has suffered and will continue to suffer harm to, among other things, its reputation for accuracy, originality, and quality, which has and will continue to cause it economic loss.

**COUNT V: Trademark Counterfeiting (15 U.S.C. § 1114, 1127)**

166. USNWR incorporates by reference and reallege the preceding allegations as though fully set forth herein.

167. USNWR is the exclusive owner of the Federally registered USNWR Marks referenced in Exhibit E, including Reg. No. 847644 for the name "U.S. News & World Report." USNWR has used, and continues to use, these trademarks on its products and publications, including the usnews.com website, as well as other websites and publications.

168. USNWR has used, and continues to use, the USNWR Marks in interstate commerce.

169. Each of the USNWR Marks is incontestable as a result of USNWR's registration and continued use of the marks.

170. The USNWR Marks have acquired extraordinary fame and distinctiveness, and are associated in the public mind exclusively with USNWR.

171. Without USNWR's authorization or consent, with knowledge of USNWR's well-known and prior rights in the USNWR Marks, and with knowledge that OpenAI's products produce false information, OpenAI's products, when prompted, output spurious designations in commerce that are identical with, or substantially indistinguishable from, the USNWR Marks for which USNWR holds federal trademark registrations, thus making it likely that consumers will be confused into believing that the outputs contain USNWR content, and/or that the content is complete and accurate. OpenAI has used these spurious designations in connection with the provision of GPT services, and for its own financial gain, on outputs that are not attributable to USNWR. For example, as discussed above, OpenAI used the USNWR Mark in connection with false information as to USNWR's college rankings, and a spurious list of the top hospitals in the United States for children's cancer treatments.

172. USNWR has not authorized OpenAI to use the USNWR Marks in connection with the provision of GPT services or otherwise.

173. Because the marks appended to the output of OpenAI products are spurious marks that are identical to, or substantially indistinguishable from, the USNWR Marks, the marks are counterfeit as defined by 15 U.S.C. § 1127.

174. Upon information and belief, at all relevant times, OpenAI had actual and direct knowledge that its GPT model and other models incorporated counterfeit USNWR Marks, and that when prompted, the models would include the counterfeit USNWR Mark in its output.

Accordingly, upon information and belief, OpenAI's use of the counterfeits of the USNWR Marks was willful.

175. OpenAI's conduct constitutes counterfeiting in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

176. As an actual and proximate result of the unauthorized use of the USNWR Marks, USNWR has suffered and will continue to suffer harm to, among other harms, its reputation for accuracy, originality, and quality, which has and will continue to cause it economic loss.

**COUNT VI: False Designation of Origin and Dilution of Plaintiff's Trademarks**  
**(15 U.S.C. § 1125)**

177. USNWR incorporates by reference and realleges the preceding allegations as though fully set forth herein.

178. USNWR is the exclusive owner of the Federally registered USNWR Marks referenced in Exhibit E, including Reg. No. 847644 for the name "U.S. News & World Report." USNWR has used, and continues to use, the USNWR Marks on its products and publications, including the usnews.com website, as well as other websites and publications.

179. Each of the USNWR Marks is a distinctive and "famous mark" within the meaning of Section 42(c) of the Lanham Act, 15 U.S.C. § 1125, are widely recognized by the general consuming public of the United States, and became distinctive and famous prior to OpenAI's unauthorized use.

180. USNWR has used, and continues to use, the USNWR Marks in interstate commerce.

181. Each of the USNWR Marks is incontestable as a result of USNWR's registration and continued use of the marks.

182. The USNWR Marks have acquired extraordinary fame and distinctiveness, and are associated in the public mind exclusively with USNWR.

183. When OpenAI's products are asked questions that relate to USNWR's publications, the OpenAI products will often misrepresent USNWR's work, falsely attributing content to USNWR's publications and content, or misleadingly omitting portions of USNWR's trademarked publications.

184. Upon information and belief, OpenAI is aware that its applications falsely attribute content to USNWR's trademarked publications and content. Upon information and belief, OpenAI is also aware that their applications misleadingly omit portions of USNWR's trademarked publications.

185. OpenAI has used and continues to use in interstate commerce the USNWR registered trademarks in a misleading manner, falsely attributing content to USNWR's trademarked publications and content.

186. OpenAI's use of similar and/or identical copies of USNWR's famous, distinctive marks without authorization, in connection with its generative AI models and products, creates an association in the mind of its users that the outputs generated by OpenAI's applications, including hallucinations and undisclosed omissions, are derived from, associated with, and/or complete versions of sources of high-quality content. This association, in turn, impairs the distinctiveness of the marks.

187. OpenAI's actions violate 15 U.S.C. § 1125(c) because they are likely to cause dilution of USNWR's famous and distinctive marks by blurring and/or tarnishment.

188. OpenAI's actions also violate 15 U.S.C. § 1125(a)(1) because they trade upon USNWR's valuable reputation and consumer goodwill by using the USNWR Marks and/or

confusingly similar marks in a manner that causes or is likely to cause confusion, mistake, or deception of consumers into believing that the output allegedly sourced from USNWR are factually incorrect, complete, and authorized because they are sourced from, associated with, sponsored by, or approved by USNWR.

189. Upon information and belief, OpenAI had actual knowledge of USNWR's ownership and use of the USNWR Marks. OpenAI's use of the USNWR Marks without USNWR's consent was a willful violation of 11 U.S.C. § 1125.

190. OpenAI's unlawful actions are ongoing, and USNWR is entitled to injunctive relief and other equitable remedies.

191. USNWR is also entitled to statutory damages, actual damages, restitution of profits, attorneys' fees, costs of suit, and other remedies provided by law.

**COUNT VII: Dilution and Injury to Business Reputation (N.Y. Gen. Bus. Law § 360-1)**

192. USNWR incorporates by reference and realleges the preceding allegations as though fully set forth herein.

193. The USNWR Marks have a distinctive quality, and have enjoyed such distinctiveness since long before OpenAI adopted and began the unauthorized use of those marks.

194. OpenAI's activities, as described above, dilute the distinctiveness of the USNWR's Marks, and injure USNWR's business reputation, in violation of their rights under New York General Business Law § 360-1.

195. OpenAI are aware that their GPT-based products produce inaccurate content that is falsely attributed to USNWR. As such, Defendants have intentionally violated New York General Business Law § 360-1.

196. Defendants' violations of N.Y. Gen. Bus. Law § 360-I, unless enjoined by this Court, will continue to cause USNWR irreparable damage, loss and injury, for which they have no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, USNWR demands judgment against each of the Defendants, jointly and severally, as follows:

1. Awarding USNWR statutory damages, compensatory damages, restitution, disgorgement, and any other relief that may be permitted by law or equity;

2. Declaring that Defendants' past, present, and future use of Protected USNWR Content is unlawful, and infringes USNWR's copyrights, trademarks, and other lawful rights and privileges;

197. Permanently enjoining Defendants from the unlawful, unfair, and infringing conduct alleged herein;

198. Ordering destruction under 17 U.S.C. § 503(b) of all GPT or other LLM models and training sets that incorporate Protected USNWR Content;

199. An award of costs, expenses, and attorneys' fees as permitted by law; and

200. Such other or further relief as the Court may deem appropriate, just, and equitable.

**DEMAND FOR JURY TRIAL**

USNWR hereby demands a jury trial for all claims so triable.

Dated: November 26, 2025

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