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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Google Generative AI Copyright Litigation

Master File Case No.: 5:23-cv-03440-EKL
Consolidated with Case No.: 5:24-cv-02531-EKL

**PLAINTIFFS' STATEMENT OF
NON-OPOSITION IN RESPONSE TO
HACHETTE BOOK GROUP, INC. AND
CENGAGE LEARNING, INC.'S MOTION TO
INTERVENE**

1 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 NOTICE IS HEREBY GIVEN by and through Plaintiffs' counsel of record that Plaintiffs do not
 3 oppose the Motion to Intervene (ECF No. 342 ("Publishers' Intervention Mot.")) filed by Proposed
 4 Intervenors Hachette Book Group, Inc. and Cengage Learning, Inc. (collectively, "Proposed Intervenors")
 5 but respectfully submit the following clarification regarding their position, pursuant to Civil L.R. 7-3(b).

6 Plaintiffs agree with Proposed Intervenors that this matter raises issues of significant importance
 7 with potentially industry-shaping consequences for copyright law, and that publishers—like authors—have
 8 a strong and legitimate interest in the enforcement of copyright protections in the face of a mass scale
 9 infringement by Google. Those interests are fully aligned with, and fully reflected in, the claim alleged
 10 here. Plaintiffs note that publishers are encompassed within the defined Books Class and subclasses,¹ which
 11 include "all legal or beneficial owners of registered copyrights" for works used to train Google's generative
 12 AI models. The proposed class definitions are consistent with the copyright law and its remedial
 13 framework. *See* 17 U.S.C. § 504(c) (limiting statutory damages to "an award . . . for all infringements
 14 involved in the action, with respect to any one work").

15 Plaintiffs are authors and image creators whose copyrighted works were copied and exploited
 16 without authorization to train Google's large language models at issue. They seek relief that vindicates the
 17 exclusive rights guaranteed by the Copyright Act, and advance the same interests publishers seek to
 18 represent. Therefore, class certification is appropriate regardless of whether publishers are permitted to
 19 intervene as the named parties. *See, e.g., Bartz v. Anthropic PBC*, 791 F. Supp. 3d 1038, 1052 (N.D. Cal.
 20 2025) (granting class certification before publishers intervened because "author has a definite state in the
 21 royalties, so the author has standing to sue;" and class definition that binds "both the legal and beneficial
 22 owner[]" avoids the "risk of double jeopardy of defendant because there will be only one recovery per
 23 work").

24 If the Court determines that intervention is appropriate, Plaintiffs will work cooperatively to ensure
 25 the full and effective vindication of all infringed copyrights for creators and publishers alike.

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 28 ¹ ECF No. 251 ("Class Cert. Mot."); ECF No. 324 ("Class Cert. Reply") at 5–6.
 Master File Case No.: 5:23-cv-03440-EKL
 Consolidated Case No.: 5:24-cv-02531-EKL

1 Dated: January 29, 2026
 2

3 By: /s/ Lesley Weaver

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25 Master File Case No.: 5:23-cv-03440-EKL

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1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2 I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from
3 the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on January 29, 2026, at Oakland, California.

5 */s/ Lesley E. Weaver*

6 _____
7 Lesley E. Weaver