

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

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-11195 (SHS) (OTW)

**NOTICE OF CONDITIONAL
CROSS-MOTION**

PLEASE TAKE NOTICE that upon the annexed Declaration of Andrew M. Gass, dated June 3, 2024, and the accompanying Memorandum of Law, and upon all prior pleadings and proceedings herein, in the event this Court grants Plaintiff The New York Times Company's Motion for Leave to File First Amended Complaint, Dkt. 118, the undersigned hereby moves this Court on behalf of Defendants Open AI, Inc., OpenAI L.P., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (collectively, "OpenAI"), before the Honorable Judge Sidney H. Stein in Courtroom 23A of the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, for an order (1) requiring that such amendment occur immediately; (2) concluding that OpenAI's pending motion to dismiss shall be considered as directed to the amended complaint; and (3) extending the fact-discovery deadline to March 17, 2025.

Dated: June 3, 2024

Respectfully submitted,

By: /s/ Andrew M. Gass

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* The parties use electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules.

By: /s/ Michelle S. Ybarra

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