

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY,
Plaintiff,

23-cv-11195 (SHS) (OTW)

v.

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

Defendants.

DAILY NEWS LP, ET AL.

24-cv-3285 (SHS) (OTW)

Plaintiff,

v.

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

Defendants.

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.

24-cv-4872 (SHS) (OTW)

Plaintiff,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPKO LLC, OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI HOLDINGS,
LLC, and MICROSOFT CORPORATION,

Defendants.

ORDER

SIDNEY H. STEIN, U.S. District Judge.

Defendants Microsoft Corporation and OpenAI Inc. et al. have moved to dismiss several counts of the complaints in the three above-captioned copyright actions. Specifically, defendants move to dismiss (1) the contributory copyright infringement claims; (2) the Digital Millennium Copyright Act (“DMCA”) claims; and (3) the common law unfair competition by misappropriation claims. Microsoft also moves to dismiss the state law trademark dilution claim in *Daily News LP, et al. v. Microsoft Corporation et al.*, No. 24-cv-3285 (“the *Daily News* action”), and OpenAI moves to dismiss (1) the plaintiffs’ direct copyright infringement claims involving conduct in 2019 and 2020 as time-barred by the statute of limitations; (2) the plaintiffs’ federal trademark dilution claim in the *Daily News* action; and (3) the “abridgment” claims in *The Center for Investigative Reporting, Inc. v. OpenAI, Inc. et al.*, No. 24-cv-4872 (“the *CIR* action”).

On January 14, 2025, the Court conducted oral argument on defendants’ motions. After due deliberation, the Court hereby denies (1) OpenAI’s motions to dismiss the direct infringement claims involving conduct occurring more than three years before the complaints were filed; (2) the defendants’ motions to dismiss the contributory copyright infringement claims; and (3) the defendants’ motions to dismiss the state and federal trademark dilution claims in the *Daily News* action.

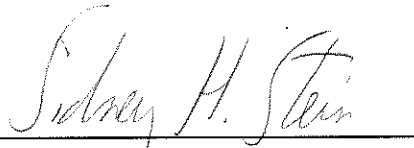
The Court grants defendants’ motions to dismiss the common law unfair competition by misappropriation claims and OpenAI’s motion to dismiss the “abridgment” claims in the *CIR* action, and dismisses each of those claims with prejudice.

With respect to the DMCA claims, the Court grants (1) Microsoft’s motions to dismiss the section 1202(b)(1) claims against it in all three actions, (2) OpenAI’s motion to dismiss the section 1202(b)(1) claim against it in *The New York Times Company v. Microsoft Corporation, et al.*, No. 23-cv-11195 (“the *Times* action”), and (3) defendants’ motions to dismiss the 1202(b)(3) claims against them in all three actions, and dismisses each claim without prejudice. The Court denies OpenAI’s motions to dismiss the 1202(b)(1) claims against it in the *Daily News* and *CIR* actions.

The Court will issue an Opinion setting forth the reasons for this ruling expeditiously. The Clerk of Court is directed to close the following docket numbers: (1) ECF Nos. 51 and 64 in the *Times* action; (2) ECF Nos. 76 and 80 in the *Daily News* action; and (3) ECF Nos. 69, 72, 96, and 99 in the *CIR* action.

Dated: New York, New York
March 26, 2025

SO ORDERED:



Sidney H. Stein, U.S.D.J.