

**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 MOTION**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE that upon the annexed Declaration of Andrew Gass, dated February 26, 2024, and the accompanying Memorandum of Law, the undersigned hereby moves this Court on behalf of Defendants OpenAI, 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. (together, the “OpenAI Defendants”), before the Honorable Sidney H. Stein in Courtroom 23A of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007, for an order (1) partially dismissing Counts I and V to the extent they are based on activity that occurred more than three years prior to the filing of this action, *see* 17 U.S.C. § 507(b); (2) dismissing Counts IV and V in full for failure to allege facts sufficient to state a claim for relief pursuant to Fed. R. Civ. P. 12(b)(6); and (3) dismissing Count VI on grounds of Copyright Act preemption, *see* 17 U.S.C. § 301.

Dated: February 26, 2024

Respectfully submitted,

By: /s/ Andrew M. Gass

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By: /s/ Joseph C. Gratz

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