

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

RAW STORY MEDIA, INC., ALTERNET
MEDIA, INC.,

Plaintiffs,

v.

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

Defendants.

Case No. 1:24-cv-01514-CM

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF MOTION TO DISMISS**

Defendants OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC (hereinafter, "OpenAI"), by and through counsel, respectfully submit this Notice of Supplemental Authority to apprise the Court of a recent order that further supports Defendants' pending Motion to Dismiss ("Motion") (Dkt. 67).

On June 3, 2024, in *The Intercept Media, Inc. v. OpenAI, Inc. et al*, No. 24-cv-01515 (S.D.N.Y.) (Rakoff, J.), the United States District Court for the Southern District of New York held a motion hearing on OpenAI's and Microsoft's motion to dismiss the complaint, attached hereto as Exhibit A, which asserted virtually identical claims based on almost identical allegations to those at issue in this case. Transcript of Oral Argument, *The Intercept Media*, No. 24-cv-01515 (attached hereto as Exhibit B). On June 6, 2024, the United States District Court for the Southern District of New York ordered the plaintiff to file an amended complaint "to rectify some of the seeming lack of specificity in its current complaint, provided it is done promptly." Order on Def's Motion to Dismiss, *The Intercept Media*, No. 24-cv-01515, Dkt. 81 (attached hereto as Exhibit C). The Court required plaintiff to file its amended complaint by June 21, 2024,

and permitted defendants to then file a supplemental brief in support of their motions to dismiss by July 8, 2024, stating that it “will treat defendants’ already filed motions as aimed at the amended complaint.” *See* Ex. C at 1.

Dated: June 10, 2024

Respectfully Submitted,

By: /s/ Joseph R. Wetzel

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* All parties whose electronic signatures are included herein have consented to the filing of this document, as contemplated by Rule 8.5(b) of the Court's ECF Rules and Instructions.