UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE INTERCEPT MEDIA, INC.,

            Plaintiff,

    -v-

OPENAI, INC., et al.,

            Defendants.

24-cv-1515 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On June 21, 2024, plaintiff The Intercept Media, Inc. ("The Intercept") filed an amended complaint in compliance with the schedule set out in the Court's order issued on June 6, 2024. See ECF Nos. 81, 87. On July 8, 2024, defendants OpenAI[1] and Microsoft Corporation ("Microsoft") renewed their previously filed motions to dismiss and submitted supplemental briefs in further support of their motions. See ECF Nos. 88, 89. One week later, The Intercept submitted a supplemental brief in opposition to defendants' motions. See ECF No. 90.

On November 1, 2024, the Court held oral argument on defendants' motions and advised counsel for all parties that it would issue a bottom-line order by November 22, 2024. Accordingly, the Court (1) grants Microsoft's motion in full and with prejudice, and (2) grants OpenAI's motion in part, dismissing The Intercept's claim under 17

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[1] The Intercept sued OpenAI, Inc.; OpenAI GP, LLC; OpenAI, LLC; OpenAI OpCo LLC; OpenAI Global LLC; OAI Corporation, LLC; and OpenAI Holdings, LLC. Because The Intercept's allegations do not distinguish among these entities, this Order generally refers to "OpenAI."

U.S.C. § 1202(b)(3) with prejudice but allowing The Intercept's claim

under 17 U.S.C. § 1202(b)(1) to proceed past the motion-to-dismiss

stage.

An Opinion explaining the reasons for this ruling will issue in

due course. The Clerk of Court is respectfully directed to close docket

entry numbers 49 and 52.

SO ORDERED.

New York, NY
November 21, 2024

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JED S. RAKOFF, U.S.D.J.