

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

DAILY NEWS, LP; CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC; SUN-
SENTINEL COMPANY, LLC; SAN JOSE
MERCURY- NEWS, LLC; DP MEDIA
NETWORK, LLC; ORB PUBLISHING, LLC; and
NORTHWEST PUBLICATIONS, LLC,

Plaintiffs,

v.

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

Defendants.

Case No. 1:24-cv-03285-SHS

NOTICE OF SUPPLEMENTAL AUTHORITY

Microsoft Corporation respectfully submits this notice of supplemental authority in support of its motion to dismiss the Complaint. As explained in Microsoft's reply brief in support of its Motion, a recent decision from the Northern District of California conclusively rejected a DMCA § 1202 challenge to GitHub and Microsoft's Copilot generative AI coding tool. *See* ECF No. 105 at 5 & n.3 (citing *Doe 1 v. GitHub*, No. 22-cv-06823-JST (N.D. Cal. June 24, 2024), ECF No. 253). That order has now been unsealed and is attached hereto as Exhibit 1.

Dated: New York, New York
July 8, 2024

Respectfully submitted,
Orrick, Herrington & Sutcliffe LLP

By:

/s/ Annette L. Hurst

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