

**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-OTW

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the annexed Declaration of Andrew M. Gass, dated June 11, 2024, and the accompanying Memorandum of Law, the undersigned hereby moves this Court on behalf of Defendants Open AI, 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. (collectively, the “OpenAI Defendants”), by and through counsel, before the Honorable Sidney H. Stein, United States District Judge for the United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 23A, New York, New York 10007-1312, for an order (1) partially dismissing Counts I, IV, 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 VII in full for failure to allege facts sufficient to state a claim for

relief pursuant to Fed. R. Civ. P. 12(b)(6); (3) dismissing Count V in full for lack of standing pursuant to Fed. R. Civ. P. 12(b)(1) and for failure to allege facts sufficient to state a claim for relief pursuant to Fed. R. Civ. P. 12(b)(6); and (4) dismissing Count VI on grounds of Copyright Act preemption, *see* 17 U.S.C. § 301.

Dated: June 11, 2024

Respectfully Submitted,

By: /s/ Andrew M. Gass

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Attorneys for OpenAI Defendants

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