UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

OPENAI, INC.
COPYRIGHT INFRINGEMENT LITIGATION

25-md-3143 (SHS) (OTW)

This Document Relates To:
All Cases

BRIEF *AMICUS CURIAE* OF CONSUMER TECHNOLOGY ASSOCIATION, AMERICAN COUNCIL OF THE BLIND, AMERICAN LIBRARY ASSOCIATION, ASSOCIATION OF RESEARCH LIBRARIES, AND BUSINESS SOFTWARE ALLIANCE IN SUPPORT OF DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

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INTEREST OF THE AMICI CURIAE[1]

The Consumer Technology Association (CTA®, www.cta.tech) is North America's largest technology trade association. CTA's members are the world's leading innovators—from startups to global brands—helping support more than 17 million American jobs. CTA owns and produces CES®, the most powerful tech event in the world.

The American Council of the Blind (ACB, www.acb.org) is the nation's leading member-driven organization of and for individuals who are blind or low vision. Founded in 1961 and comprised of thousands of members and 66 state and special-interest affiliate organizations, ACB strives to increase the independence, security, equality of opportunity, and to improve the quality of life, of all individuals who are blind or experiencing vision loss.

The American Library Association (ALA, www.ala.org) is a nonprofit professional organization of more than 50,000 librarians, library trustees, and other friends of libraries dedicated to providing and improving library services and promoting the public interest in a free and open information society. The Association of Research Libraries (ARL, www.arl.org) is an association of 125 research libraries in North America. ARL's members include university libraries, public libraries, and government and national libraries. ALA and ARL work collaboratively on copyright issues through the Library Copyright Alliance, which adopted a statement of principles on copyright and generative artificial intelligence.

The Business Software Alliance (www.bsa.org) is the global trade association of the enterprise software industry, representing companies that are leaders in artificial intelligence, cybersecurity, cloud computing, quantum, and other breakthrough technologies.

[1] No counsel for a party in this lawsuit authored this brief in whole or in part. No party or counsel for a party or any person other than *Amici*, their members, or their counsel contributed money that was intended to fund preparing or submitting this brief.

This case concerns more than companies that develop large language models (LLMs). It affects medical researchers and patients, educators serving students with different learning needs, people with disabilities seeking greater independence, farmers applying agricultural knowledge, independent creators developing new forms of expression, and industry sectors from software to the law. These communities share an interest in the ability to study and learn from broad and diverse sources of knowledge, and in access to the tools that make that learning useful. Many depend on systems developed by others, including open source AI systems, rather than training models themselves.[2] Fair use supports their ability to learn, discover, communicate, and create.

Restrictions on fair use training would affect both the institutions building AI and the people using it. A rule requiring permission from each copyright owner before training would favor institutions able to assemble extensive rights portfolios and conduct large-scale negotiations. Universities, independent laboratories, small developers, and nonprofit organizations would face costs that the largest companies could more readily absorb.[3] The consequences would reach people relying on affordable tools for work, education, and daily life.

Amici therefore respectfully submit this brief to illustrate how fair use training allows AI systems to analyze works to develop new answers for society's needs rather than recapitulating old ones.

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[2] *See* Open Source Initiative; Hugging Face, State of Open Models: Summer 2026 Observations (Aug. 14, 2026). Open Source AI is used extensively by industry, academic researchers—even the military. *See* EdgeRunner AI, "EdgeRunner and U.S. Army Artificial Intelligence Integration Center Collaborate to Build Army-Specific LLM," Business Wire (Aug. 18, 2026).

[3] *See* Lawrence Lessig, "Zombie Copyright: déjà vu all over again," Substack (Oct. 19, 2026) ("If all training requires a license, then none but a handful of tech giants will be able to afford the costs of training. That's not because authors are greedy but because the copyright system is the least efficient property system known to man. It is effectively impossible to clear rights to the vast majority of copyrighted works, if only because it is economically impossible to identify who owns what.").

ARGUMENT

I. AI training on broadly diverse sources is a transformative Fair Use essential to future creativity.

Imagine if writers were denied the right to analyze works of contemporary masters; if composers could not consider the structure and origins of the last century of music; if inventors and researchers could not determine whether and how current ideas are being put into practice; and if physicians and pharmaceutical companies could use only studies of efficacy and side effects published by the drugs' proponents. These would be among the consequences of denying fair use protection to the training of AI models. Their ability to provide the public with reliable predictive inferences about public affairs and government, culture, courses and cures of disease, and other crucial information would be not just hampered, but distorted. Such a result would contravene the constitutional purpose animating the Copyright Act—to "promote the Progress of Science and useful Arts"[4]—and would abrogate the principles of access to knowledge safeguarded by the idea/expression dichotomy and the First Amendment.[5]

Under the first statutory fair use factor, uses of non-expressive elements of copyrighted works have a strong claim to transformativeness, even where the allegedly infringing work was derived from extensive copying. *See, e.g., Google LLC v. Oracle Am., Inc.*, 593 U.S. 1, 29-32 (2021) (finding verbatim copying of user-facing APIs transformative in allowing programmers to work on a different computing platform); *Authors Guild, Inc. v. HathiTrust*, 755 F.3d 87, 97 (2d Cir. 2014) (copying millions of literary works to create a searchable database enables transformative uses such as statistical analyses); *Authors Guild v. Google, Inc.*, 804 F.3d 202,

[4] U.S. Const. art. I, § 8, cl. 8; *Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. 417, 429 (1984) ("The monopoly privileges that Congress may authorize are neither unlimited nor primarily designed to provide a special private benefit. Rather, the limited grant is a means by which an important public purpose may be achieved.").
[5] 17 U.S.C. § 102(b); *Harper & Row, Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 560 (1985).

207, 217-18 (2d Cir. 2015) (scanning millions of books and providing an index and snippets is transformative for research).

The same principle applies to works used to train AI systems. As the court found in *Bartz v. Anthropic PBC*, the purpose and character of using copyrighted works to train LLMs is transformative—"spectacularly so." 787 F. Supp. 3d 1007, 1021 (N.D. Cal. 2025). Judge Alsup analogized the tokenization performed in the training process to human discernment by reading (e.g., apprehending rules of grammar, compositional structures, and analyses of style), studying design principles for "user-friendly" programming and interfaces, or learning music theory or typical chord progressions. *Id.* at 1021-22.

> Like any reader aspiring to be a writer, Anthropic's LLMs trained upon works not to race ahead and replicate or supplant them — but to turn a hard corner and create something different. If this training process reasonably required making copies within the LLM or otherwise, those copies were engaged in a transformative use.

Id. at 1022.

Deeming AI training an infringement would abrogate other basic copyright principles too. Training creates a tokenized data set representing mathematical calculations of probabilities, correlations, trends, and other patterns, from which the system makes statistical predictions of how to answer users' prompts. These data sets themselves are not "expressions." They represent numerical relationships that enable AI systems to predict the words and ideas to be output in response to user prompts. Such analyses fall on the "idea" side of the section 102(b) idea/expression dichotomy, which ensures open public access to concepts and facts, over which no one can assert copyright.[6]

[6] *Computer Assocs. Int'l, Inc. v. Altai, Inc.*, 982 F.2d 693, 703-06 (2d Cir. 1992); *Nichols v. Universal Pictures Corp.*, 45 F.2d 119, 121 (2d Cir. 1930).

The advances achieved by AI systems over the last 70 years[7] have relied upon fair use to train on current, diverse, and comprehensive source materials, including research papers and dissertations, databases, newspapers, magazines, and works of fiction and non-fiction, to provide the public with accurate information and meaningful insights. "[A]s with other generative AI models, LLMs' outputs are limited by their training data. To be able to generate a wide range of text—in different languages or styles, or regarding different subject matter—an LLM's training dataset must be large and diverse." *Kadrey v. Meta Platforms, Inc.*, 788 F. Supp. 3d 1026, 1039 (N.D. Cal. 2025). The accuracy and reliability of an AI system depend on the quality, volume, and recency of the inputs.[8]

Reliance only on public domain materials is no solution. "[B]ecause LLMs perform better the more text they are trained on, an LLM trained only on public domain books would presumably, all else equal, lag significantly behind [an LLM] trained also on copyrighted ones." *Kadrey*, 788 F. Supp. 3d at 1053. The last tranche of copyrighted works to enter the public domain was published in 1930, when antibiotics could not be mass produced; the periodic table had 28 fewer elements; more than 140 current countries did not exist; and Franklin Roosevelt was still Governor of New York.

Nor is voluntary licensing a panacea. Clearing licenses at scale for millions of works in hundreds of genres is infeasible.[9] Thus, "fair use reduces the inefficiencies and burdens of licensing regimes by enabling developers to train these systems without negotiating with millions or billions of copyright holders, avoiding ruinous if not impossible transactional costs and

[7] *See* J. McCarthy *et al.*, "A Proposal for the Dartmouth Summer Research Project on Artificial Intelligence" (Aug. 31, 1955).
[8] *See* Federal Judicial Center, "An Introduction to Artificial Intelligence for Federal Judges" at 28 (2023).
[9] *See* Matthew Sag, "The False Hope of Content Licensing at Internet Scale," ProMarket (Nov. 19, 2025).

fostering innovation."[10] AI systems could not reach the scope and breadth necessary to avoid biased, skewed, and inaccurate responses if any copyright owner could thwart fair use simply by refusing to license at a fair price, or at all.

Fair use therefore is fundamental to AI's promise to spur innovation—as illustrated in the next section.

II. AI systems empowered by Fair Use are transforming innovation in spheres vital to society and our future.

> *LLMs are connection machines. They are trained by generating relationships between tokens that may seem unrelated to humans but represent some deeper meaning. Add in the randomness that comes with AI output, and you have a powerful tool for innovation.*[11]

While fair use has been essential to the creation of AI systems virtually since its beginning, the current phase of the AI revolution began just four years ago.[12] Since then, American industries and creators have found innovative uses of AI to benefit society, including in the fields of scientific research, medicine and health care, accessibility, transportation, education, justice, business, product design, and creative industries.

[10] Cameron Miller *et al*., "The Economic Importance of Fair Use for the Development of Generative Artificial Intelligence," Data Catalyst Institute, at 3 (June 10, 2025).
[11] Ethan Mollick, *Co-Intelligence*, at 100 (Penguin Random House 2024).
[12] *See* OpenAI "When Did ChatGPT Come Out?" (Nov. 30, 2022), . Within two months, ChatGPT 3.5 had 100 million monthly users. Krystal Hu, "ChatGPT sets record for fastest-growing user base—analyst note," Reuters (Feb. 2, 2023).

A. Medicine and health care

AI systems have been adopted throughout the field of medicine, from drafting patient charts and aiding in diagnosis[13] to ground-breaking medical research.[14] Hospitals use AI technology to diagnose and create treatment plans for infectious diseases.[15] Scientists at MIT and McMaster University developed AI tools to discover new antibiotics, including drugs capable of fighting drug-resistant bacteria.[16] A multi-disciplinary research team at Harvard's Wyss Institute leveraged AI processes with innovative disease modeling to identify a promising treatment for a rare genetic childhood disorder; researchers said its identification "would not have been possible without our unique AI-enabled computational approach."[17] Using generative AI, in approximately 18 months Insilico Medicine discovered an "Orphan Drug" medication to treat idiopathic pulmonary fibrosis.[18]

Hospitals and healthcare companies use AI systems to transcribe patient interactions, help assess patient symptoms, and direct patients to the proper health care providers.[19] Healthcare leaders implement AI systems to improve clinical productivity and quality of care while reducing

[13] *See* Lab Products, "Artificial Intelligence Improves Accuracy, Efficiency in Prostate Biopsy Review" (July 16, 2026); Virak Sorn *et al.*, "AI-driven healthcare: a trend toward better healthcare or the emergence of public health burden," Frontiers in Digital Health (May 13, 2026) ("AI has demonstrated substantial potential to improve diagnostic accuracy across multiple areas of medicine … [and has]shown strong performance in interpreting medical images and detecting conditions such as cancer, diabetic retinopathy, pneumonia, stroke, and Parkinson's disease.").
[14] As an example, the July 2026 New England Journal of Medicine AI addresses topics such as clinical genetics, clinical trials, analyzing rare disease genomes, and triage and care referral. And the FDA website lists 1,614 "AI-Enabled Medical Devices" through June 29, 2026. https://www.fda.gov/medical-devices/artificial-intelligence-enabled-medical-devices/list-artificial-intelligence-enabled-medical-devices.
[15] "From Code to Care: How UC San Diego Is Leading the Way in AI for Health Care," UC San Diego (July 28, 2026); Mayur Suresh Gawande *et al.*, "The role of artificial intelligence in pandemic responses: from epidemiological modeling to vaccine development," Molecular Biomedicine (Jan. 3, 2025).
[16] McMaster News, "Scientists use AI to find promising new antibiotic to fight evasive hospital superbug" (May 25, 2023).
[17] Benjamin Boettner, "Forging a novel therapeutic path for patients with Rett Syndrome using AI," Wyss Institute (July 2, 2025).
[18] Insilico Medicine, "Insilico Medicine Doses First Patient in GENESIS-IPF-3, the World's First Phase III Trial of a Generative AI-Driven Innovative Drug," PRNewswire (Sept. 9, 2026).
[19] For example, Ubie, a system used by more than 1,700 health care providers, reports its AI model was "built on 50,000+ publications from leading medical journals and associations."

administrative time.[20] Patients and their families consult AI systems to find and forward accurate diagnoses of their medical conditions.[21] As the CEO of Probably Genetic observed, "Technology helps by automating and democratizing access. Technology means we can use AI to identify likely cases, telemedicine to reach patients directly, and whole genome sequencing for comprehensive analysis." [22]

B. Accessibility for independence and participation for people with disabilities

AI can help the more than one in four adults in the United States living with a disability to navigate the physical world, interact with technology, and communicate with others. The American Council of the Blind, working with Meta, is distributing Ray-Ban Meta AI glasses to legally blind military veterans.[23] Google's StreetReaderAI assists blind and low-vision users to traverse physical spaces by describing their surroundings.[24] Application developer Be My Eyes uses OpenAI's ChatGPT systems to create state-of-the-art desktop and mobile visual descriptions for individuals who are blind or have low vision.[25]

AI systems provide voice recognition and computer-generated speech so visually-impaired individuals can access information without a keyboard or mouse.[26] Voice-to-text

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[20] Jessica Lamb *et al.*, "Generative AI in healthcare: Adoption Matures as agentic AI emerges," McKinsey & Company (Apr. 16, 2026); American Medical Association, Center for Digital Health and AI, "2026 Physician Survey on Augmented Intelligence", at 2, 4, 6–7, 14 (Mar. 2026).
[21] OpenAI Academy, "From decades without answers to a diagnosis in weeks," (Jan. 6, 2026); Toria Sheffield, "Woman, 23, Self-Diagnosed Her Rare Genetic Disorder Using ChatGPT After Years of Being Misdiagnosed by Doctors," People (Apr. 18, 2026); Meghan Holohan, "A boy saw 17 doctors over 3 years for chronic pain. ChatGPT found the diagnosis," TODAY (Sept. 12, 2023).
[22] Caty Reid, "Precision medicine for rare diseases," Probably Generic (Apr. 23, 2025).
[23] American Council of the Blind, "Ray-Ban Meta Glasses for Blinded Veterans," https://www.acb.org/glasses-blinded-veterans
[24] Google Research, "StreetReaderAI: Towards making Street View Accessible via Context-Aware Multimodal AI" (Oct. 29, 2025).
[25] Doug Goist, "Be My AI: What Happens When You Give ChatGPT Sight?," National Industries for the Blind (June 28, 2024).
[26] Cristina Fonseca, "The Role of AI in making CX [Customer Experience] more accessible and inclusive," Zendesk Blog (updated Mar. 5, 2026).

transcription tools such as Whisper AI reduce the effort and costs of video captioning by libraries for those with a hearing disability, producing quality transcripts and captions that make content more accessible.[27]

Hearing-impaired individuals communicate with AI by translating between speech or text and sign language.[28] NVIDIA, in partnership with the American Society for Deaf Children, created "Signs"—an AI-based avatar to teach ASL to the hearing community. Voice AI and AI systems facilitate personal and device interface interactions for individuals with non-standard speech or who have lost the ability to speak.[29]

AI-enabled wheelchairs help disabled persons navigate independently.[30] And AI has helped artists overcome what once would have been career-ending medical conditions, to create again.[31]

C. Education, academic institutions, and libraries

AI is not a replacement for educators but a powerful ally in the pursuit of education excellence.[32]

AI reshapes educators' workload at every stage, from administrative tasks to lesson planning, and helps address the pedagogical needs of diverse student groups.[33] Educators use

[27] Nina Rao *et al*., "AI and labor: Captioning library audiovisual content with Whisper," 51(3) IFLA Journal 803-813 (Feb. 26, 2025).
[28] Keely Cat-Wells, "Built By Deaf People, For Deaf People: The New Era Of American Sign Language Technology," Forbes (Aug. 20, 2026).
[29] Shanqing Cai *et al*., "Using large language models to accelerate communication for eye gaze typing users with ALS," 15 Nature Communications 9449 (2024); Ari Rosenberg, "Ben's Story: Rediscovering a Voice After Decades of Silence," Global Genes (May 29, 2025); Voiceitt, https://www.voiceitt.com/faq.
[30] Morgan State University, "Morgan State University Showcases Innovative Autonomous Wheelchair Technology at BWI Thurgood Marshall Airport" (July 31, 2025).
[31] Maria Sherman, "With Help from AI, Randy Travis Got His Voice Back. Here's How His First Song Post-Stroke Came to Be," Associated Press (May 6, 2024); Rani Mani, "Steve Gleason Breaks Creative Boundaries for the ALS Community with Adobe Firefly," Adobe Blog (July 11, 2024).
[32] National Education Association, "Using AI Tools to Enhance Language Learning for Emergent Multilingual Learners" (June 20, 2025).
[33] *See* Michael Sheehy, "The robots are here (and they have feedback): Can AI improve teacher effectiveness," National Council on Teacher Quality (Apr. 10, 2025); Gallup & Walton Family Foundation, "Teaching for Tomorrow: Unlocking Six Weeks a Year With AI," at 5-6 (June 2025).

ChatGPT to develop lessons for multilingual students to gain proficiency in reading, writing, understanding, and speaking English.[34] Schools use AI to modify teaching materials and make them more accessible to students with disabilities.[35]

With funding from the Department of Education, the University of California, Irvine created the WRITE AI Center and the PapyrusAI tool to help students develop writing skills. Leading university researchers formed the National Tutoring Observatory to leverage AI system analysis of datasets to study more effective teaching methods. The National Science Foundation funds the National AI Institute for Adult Learning and Online Education, which is developing transformative models for how adults learn from AI and how AI learns from adult learners. Educator associations are publishing frameworks advising schools and teachers on how to effectively and ethically integrate AI into classroom and distance learning pedagogy to supplement studies—not to supplant them.[36]

Cutting-edge AI-assisted research across many academic fields is enabled by the over $1 billion libraries spend annually on subscriptions for published scholarly literature.[37] In higher education, "[t]he integration of AI technologies into academic libraries has revamped the way library services are conceptualized, delivered, and managed."[38] Academic and research libraries increasingly rely on AI tools to automate workflows (such as self-check-out and optimized shelving and storage), improve user experience, and expand public access to library resources.

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[34] National Education Association, *supra* n.32.
[35] Giuditta Pieriboni *et al*., "Stem education and ICT-enhanced tools for students with disabilities: a five-year review," Universal Access in the Information Society (Dec. 24, 2025); *see also* Google for Education, "Accessibility Features in Google for Education".
[36] *See, e.g.,* American Association of Colleges for Teacher Education, "AI Framework for Educator Preparation" (Aug. 2026); UNESCO, "AI Competency framework for teachers" (2024).
[37] Katherine Klosek, "Library licenses for digital content undermine library rights and public policy," Library Copyright Alliance, at 1 (Dec. 2023).
[38] Lateef Ayinde *et al.*, "Adoption of artificial intelligence in academic libraries: A systematic review of current practices, challenges, and research opportunities," 52(1) Journal of Academic Librarianship, art. 103185, at 9 (Jan. 2026).

AI tools assist with selection and acquisition of materials for library collections, cataloging with better metadata, and speedier research and location of library assets.[39] The Library of Congress identifies 24 use cases for AI, including production and experimental projects such as text-to-speech services, generating high quality book summaries, obtaining structured data from text, conducting semantic similarity analyses, extracting structured data from images, and using generative data to complement audio reader recommendation services.[40]

D. Agriculture and access to practical knowledge

AI applications offered by Microsoft and John Deere enable farmers to optimize crop yields, reduce waste, and avoid weeds and pests with less environmental impact.[41] Interactions with AI systems using virtual assistants or chatbots allow farmers and farm workers to obtain information and answers to queries while working in the field.[42]

Farmers and agricultural extension workers need to apply research and technical guidance to local conditions. Language-based AI can help make that knowledge usable across different languages and levels of technical familiarity, including through interfaces accessible from the field. Microsoft Research's Project Gecko and Digital Green's FarmerChat AI applications allow smallholder farmers to engage with community-contributed agricultural videos through a speech-first interface, combining localized weather information with generative AI to provide agronomic guidance through SMS or WhatsApp tailored to a range of languages.

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[39] *See* Georgia Public Library Service, "AI in Libraries"; OCLC, "Libraries and AI: Managing Change, Advancing Access" (2025).
[40] Library of Congress, "AI Use Cases," https://www.loc.gov/digital-strategy/ai-use-cases/.
[41] Microsoft Research, "FarmVibes.AI" (Oct. 6, 2022); Kate Gibson, "Leveraging AI in Business: 3 Real-World Examples," Harvard Business School (Sept. 4, 2024) (describing applications of AI by UPS to combat package theft, and John Deere to optimize crop yields, reduce waste, and efficiently weeds and pests with less environmental impact).
[42] *See* Future Farmers of America New Horizons, "How AI Can Impact Agriculture" (Aug. 18, 2023).

Fair use training enables AI systems to develop the language and contextual capabilities necessary to understand specialized inquiries and generate specific relevant information, at prices small agricultural businesses can afford.

E. Law and justice

> *For those who cannot afford a lawyer, AI can help. It drives new, highly accessible tools that provide answers to basic questions, including where to find templates and court forms, how to fill them out, and where to bring them for presentation to the judge—all without leaving home. These tools have the welcome potential to smooth out any mismatch between available resources and urgent needs in our court system*.[43]

Law firms, law schools, corporate legal departments, and courts[44] increasingly use AI to streamline docket management, analyze voluminous discovery documents, prepare standard form agreements, assist in legal research, analyze expert reports and briefs, and prepare for oral arguments. In a 2026 survey of U.S. lawyers, 85% of respondents reported using AI at work, including for legal research, document summarization, and client intake.[45] AI systems designed for law firms of various sizes, such as Harvey, Eve, and Clio, provide tools for practice management, document analysis, legal research, and drafting. Legal research platforms offer AI-assisted research and analysis, such as Lexis+ and Westlaw's CoCounsel. Everlaw and Relativity offer AI tools to search and organize discovery. Spellbook aids in contract drafting; Lex Machina in litigation analysis.

[43] Chief Justice John G. Roberts, Jr., "2023 Year-End Report on the Federal Judiciary," at 5 (Dec. 31, 2023), https://www.supremecourt.gov/publicinfo/year-end/2023year-endreport.pdf.
[44] *See, e.g.,* Allyson Brunette, "Humanizing Justice: The transformational impact of AI in courts, from filing to sentencing," Thomson Reuters Institute (Oct. 25, 2024).
[45] Progress Software, "State of Legal 2026," at 4, 15-16 (2026).

The Legal Services Corporation website describes how legal services and grantees have integrated AI tools into their client services, including case intake and triage.[46] The Stanford Law School Legal Design Lab launched "AI Co-pilots" to put AI tools in the hands of legal aid attorneys and staff to assist with eviction defense and reentry debt mitigation. Depositron.com is an AI-powered tool that helps tenants draft professional-quality letters demanding landlords return their security deposits. Legal Aid of North Carolina uses an AI-powered voice agent for the more than 300,000 intake requests received annually, "which handles multiple languages and operates 24/7, making it a convenient tool for clients in rural areas or those with transportation issues."[47] The Legal Aid Society of Middle Tennessee and the Cumberlands used ChatGPT to create the "ExpungeMate" project to help pro bono attorneys and individuals streamline criminal record expungements, "removing a common barrier to housing, employment, and education."[48] And the Human Rights Data Analysis Group uses large language models to extract, cluster, and organize key data about investigations, to reduce the time needed to locate records for case evaluation.[49] "Like many of the large-scale data projects HRDAG works on these days, this project used Large Language Models (LLMs) to complete tasks that would have been impossible, or much more expensive, in an early era."[50]

[46] *See, e.g.,* Legal Services Corporation, "A Texas legal services organization built three AI chatbots" (May 13, 2026); *see also* Colleen Chien and Miriam Kim, "Generative AI and Legal Aid: Results from a Field Study and 100 Use Cases to Bridge the Access to Justice Gap," 57 Loy. L.A. L. Rev. 903 (2025).
[47] Legal Aid of North Carolina, "Signature Projects," § "LSA & Text Intake"; Everlaw *et al.*, "The AI Advantage: How Technology Can Help Bridge the Justice Gap," at 10 (2025).
[48] Stanford Legal Design Lab, "Expungement Workflow AI," JusticeBench.
[49] Christine Grillo, "How LLMs Made the Police Records Access Project Possible," Human Rights Data Analysis Group (Sep. 1, 2026); Ayyub Ibrahim *et al*., "Innocence Discovery Lab - Harnessing large language models to surface data buried in wrongful conviction case documents," 5 Wrongful Conviction L. Rev. 103 (2024).
[50] Rainey Reitman, "Millions of Pages of Police Use-of-Force Files Available through New Searchable Database," Human Rights Data Analysis Group (Aug. 14, 2025).

F. Transportation and public transit

The U.S. Department of Transportation believes AI will transform the "circulatory system of the American economy" with crucial improvements to safety, infrastructure, innovation, and efficiency.[51] AI systems predict transportation system needs, increase maintenance productivity, improve asset utilization, and operate transportation fleets efficiently and cost-effectively.[52] These systems can forecast demand, improve fuel efficiency and air quality monitoring,[53] detect obstacles on tracks and roadways, and help transportation companies comply with the Americans with Disabilities Act.[54] New York's MTA piloted TrackInspect to flag potential track defects and retrieve maintenance history and repair guidance.[55] Buses can identify obstructions that block stops and impede wheelchair boarding.[56]

G. Product innovation, design, and manufacture

Generative AI allows engineers to spend more time on defining software and design objectives by automating the more time-consuming tasks of product development, without physical prototypes.[57] Companies can focus on human-AI project building, developing better quality products at greater velocity from product discovery, prototyping, and building, to

[51] U.S. Department of Transportation, "OMB Memorandum M-25-21, Part I—AI Use Case Strategic Alignment," at 1-2 (2025).
[52] Alaska Airlines, "Alaska Airlines and Tailsight launch AI-powered maintenance planning solution" (Apr. 16, 2026); Chirag Bhardwaj, "AI in Transportation Software Development: A Complete Guide," Appinventiv (June 25, 2026); APTA, "Artificial Intelligence (AI) and Machine Learning (ML) in Public Transit: A Primer & Guidance Briefs" (May 2026) (*see also* APTA, "APTA Highlights Public Transit Industry Innovation: Releases New Artificial Intelligence Primer and Guidance Briefs" (May 14, 2026)).
[53] Joel Rose, "The FAA wants to reboot the nation's airspace. This airline shows how it might work," NPR, Morning Edition (Aug. 10, 2026); Dominick Reuter, "Walmart Truckers Are Getting a Shorter Drive Home Thanks to One Manager's AI Project," Business Insider (June 24, 2026); Cailee Lyngaas, "How AI is helping Alaska Airlines plan better flight routes and lower emissions," Alaska Airlines (Aug. 9, 2024).
[54] Lindiwe Rennert, "AI and Machine Learning Are Shaping the Future of Public Transit," Urban Institute (Feb. 3, 2025).
[55] Google Public Sector, "Keeping New York City moving with AI-driven predictive track maintenance."
[56] International Association of Public Transport, "Automated Camera Enforcement (ACE)."
[57] Rob Spiegel, "Engineers Evolve Beyond Low-Level Tasks as GenAI Transforms Product Design," DesignNews (Jan. 30, 2026).

deployment.[58] Using agentic AI, aerospace manufacturer Blue Origin reduced its hardware development time by 90%, "from years to days, concept to printed part."[59] NASA engineers used AI-assisted design to develop custom mission components weighing up to two-thirds less than conventional parts.[60]

The U.S. auto industry incorporates AI into its products and manufacturing beyond autonomous driving. For example, GM partners with NVIDIA to train existing robotic manufacturing platforms, and to create "digital twin" assembly lines to simulate production and reduce downtime.[61]

AI systems already have made major contributions to software coding, allowing software engineers to choose from multiple plausible architectural variations.[62] With AI-assisted coding businesses can reduce time-to-market by 20-40% and cut development costs by 20-30%.[63] According to a recent McKinsey survey, almost a third of larger enterprises use software agents and agentic coding tools to develop software in-house.[64] A 2025 survey by Google's DevOps Research and Assessment (DORA) reports more than 80% of respondents find using AI improves their productivity.[65] The more AI systems learn from these processes the better they become at predicting flaws, weaknesses, and areas for improvement. Thus, the quality of coding

[58] *See* Deloitte, "The AI Dossier: 135+ AI use cases" (last visited Oct. 29, 2026); Larry English, "AI Is Rewriting the Rules of Product Development," Forbes (July 30, 2026); Products That Count, "The 2026 CPO Insights Report," at 3 (2026).
[59] Amazon Web Services, "How Blue Origin Built the First AI Agent-Designed Hardware for the Moon in Days, Not Years".
[60] Karl B. Hille, "NASA Turns to AI to Design Mission Hardware" (Feb. 9, 2023).
[61] NVIDIA, "General Motors and NVIDIA Collaborate on AI for Next-Generation Vehicle Experience and Manufacturing" (Mar. 18, 2025).
[62] Muhammad Muzammil Rawjani, "How AI Is Transforming Software Development," Forbes (Jan. 16, 2026).
[63] Mudit Singh, "6 Ways AI Is Redefining Product Development — and Helping Startups Build, Compete and Scale Like Never Before," Entrepreneur (June 11, 2026).
[64] McKinsey & Company, "The state of AI in 2026: On the road to ROI" (Aug. 25, 2026).
[65] Derek DeBellis *et al*., "State of AI-Assisted Software Development," DORA (Sept. 23, 2025).

can improve dramatically by proactively finding bugs rather than waiting for them to be discovered and reported.

H. Manufacturing, software development, and businesses of every size

Eighty percent of businesses recently surveyed by McKinsey & Co. say AI improves their productivity. More than 50 % use AI to learn new skills, and to help them make better decisions.[66] Such tools help engineers explore approaches, develop software, and investigate vexing production problems. These capabilities involve learning from code and technical language, not simply reproducing a particular manual or problem.

Many businesses use generative and agentic AI systems throughout their enterprises.[67] The Coca-Cola Company deploys AI systems broadly throughout its enterprise, including increasing workplace productivity, optimizing manufacturing and supply chain management, improving marketing and customer engagement, designing new products, and managing quality control.[68] Walmart uses generative and agentic AI systems to respond to product trends and manage inventory.[69] Using AI-powered cameras on production lines, BMW preemptively has reduced vehicle defects by 60%.[70] Businesses of all sizes use "vibe coding" to rapidly and inexpensively engineer website and software code prototypes by describing the intention,

[66] McKinsey & Company, supra n. 64; Deloitte AI Institute, "State of AI in the Enterprise: The Untapped Edge," at 7, 10 fig. 2, 40 (Jan. 2026); PwC, "Global Workforce Hopes and Fears Survey 2025: Rewiring the Future of Work" (Nov. 12, 2025).
[67] Adam Uzialko, "How Artificial Intelligence Will Transform Businesses," Business News Daily (Nov. 11, 2025).
[68] "12 Ways Coca-Cola Is Using AI," https://digitaldefynd.com/IQ/ways-coca-cola-uses-artificial-intelligence/#case_study_9_ai_enhanced_quality_control_and_product_consistency (2026).
[69] Walmart, "Walmart's U.S. Supply Chain Playbook Goes Global — and It's Reinventing Retail at Scale" (July 17, 2025), https://corporate.walmart.com/news/2025/07/17/walmarts-us-supply-chain-playbook-goes-global-and-its-reinventing-retail-at-scale.
[70] Chris Daigle, "The BMW AI Strategy That Catches Defects Before Humans Can See Them," Chief AI Officer (Sept. 21, 2025).

features, and desired look and feel of the final product.[71] AI is being used by UPS to combat package theft.[72]

I. Independent creators and new creative work

Creators have an interest both in protecting their works and in the freedom to study, experiment, and develop new expressions. Across music, film, and the visual arts, new creative movements often begin with artists using technology in ways its designers never anticipated. AI gives creators new tools to apply their knowledge, test ideas, and produce works more efficiently, while keeping creative decisions in their hands. Indeed, AI systems trained with fair use have proven invaluable to creators: more than 7,000 works that include AI-generated materials have been registered with the Copyright Office.[73]

Popular music artists and producers across genres, such as Dr. Dre, Timbaland, Grimes, and Jimmy Iovine, use AI in music production and composition.[74] Artist Refik Anadol opened "Dataland," a Los Angeles museum featuring Anadol's AI-generated multi-media works.[75]

AI tools have been harnessed by the film industry for every phase from scriptwriting to post-production and marketing.[76] Independent filmmakers the Dor Brothers created a studio using AI tools such as Runway. Its commercial projects generated more than $1 million in

[71] *See* Shalini Harkar, "What Is Vibe Coding?," (updated Oct. 28, 2026), https://www.ibm.com/think/topics/vibe-coding.
[72] *See* Kate Gibson, *supra* n. 41.
[73] Register of Copyrights Shira Perlmutter, "Testimony Before the Subcommittee on Intellectual Property, U.S. Senate Committee on the Judiciary," at 4 (May 12, 2026), https://www.judiciary.senate.gov/imo/media/doc/b9c8afb4-bce6-3b11-bce4-ecc0cedab317/2026-05-12_Testimony_Perlmutter.pdf.
[74] Jordyn Holman, "Dr. Dre and Jimmy Iovine Think A.I. Is Good for Music," The New York Times (Aug. 23, 2026); Kiana Mickles, "Grimes Shares First Song From AI-Inspired Album *PsyOpera*," Pitchfork (Oct. 9, 2026).
[75] Frank Rose, "At the Ambitious New A.I Museum, You Feel the Art, and It Feels You Right Back," The New York Times (June 5, 2026).
[76] Neil Sahota, "The AI Takeover in Cinema: How Movie Studios Use Artificial Intelligence," Forbes (Mar. 8, 2024).

2024.[77] Animator Hugo Blendl uses AI tools to make his own series, *Zero to Hero*, writing scripts, drawing principal characters, directing shots, and editing the results.[78] Studios use analytical tools like ScriptBook, ScriptReader, and Largo.ai in development, pre-, and post-production for script analysis and for box office prediction, using machine learning and natural language processing.[79]

* * *

By allowing AI systems to train on vast sets of material, including copyrighted works, fair use makes possible these paradigm shifts in how society works, learns, and creates.[80] Breakthroughs in medicine and health care would not have been possible without LLMs training on libraries of medical literature and non-medical publications. Advances in accessibility and education facilitated by AI required training on hundreds of millions of texts, studies, and published literature. AI systems that write software programs need to be trained on a massive base of well-maintained, reliable, and efficient code.[81] Legal AI systems may ingest not only non-copyrightable cases and statutory materials, but also millions of original documents, discovery documents, briefs, contracts, and legal memoranda. To augment human creativity in

[77] Stuart A. Thompson, "How a Video Studio Embraced A.I. and Stormed the Internet," The New York Times (July 18, 2025).
[78] Higgsfield, "Hugo Blendl: How a Rick and Morty Animator Makes a Daily Show on Higgsfield" (Oct. 5, 2026).
[79] *See, e.g.,* Alex Ritman, "Sylvester Stallone-Backed Largo.ai Teams With Brilliant Pictures for 'World's First Fully AI-Automated Film Company," Variety (May 15, 2025); Alex Avakian, "My Incredible Journey into the World of AI Script Analysis," Medium (Oct. 8, 2024).
[80] *See Concord Music Grp., Inc. v. Anthropic PBC*, 772 F. Supp. 3d 1131, 1134 (N.D. Cal. 2025) ("LLMs, including Claude, are trained by creating a 'neural network,' a computer program that can study large datasets (referred to as the 'corpus') 'consisting of hundreds of millions, if not billions, of pieces of content.'"); *Bartz v. Anthropic*, 787 F. Supp. 3d at 1030 ("Anthropic needed billions of words to train any given LLM. If using only books, Anthropic would have needed millions of books per model.").
[81] Meta trained its open source Code Llama on *500 billion to 1 trillion* tokens of software code and natural-language data. Meta, "Introducing Code Llama, a state-of-the-art large language model for coding" (updated Jan. 29. 2024) https://ai.meta.com/blog/code-llama-large-language-model-coding/.

the arts, including literature, visual images, music, and cinema, AI systems need to train on millions of works across genres, forms, and styles.

CONCLUSION

Wherefore, amici respectfully request that the Court grant summary judgment to Defendants, and deny summary judgment to Plaintiffs.

Respectfully submitted,

Date: October 30, 2026

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WORD COUNT CERTIFICATION

Pursuant to Local Rule 7.1(c), undersigned counsel hereby certifies that this computer-generated brief *amicus curiae* was prepared using Microsoft Word, and that the total number of words in this brief (excluding the caption and cover page, table of contents, table of authorities, signature block, certificate of service, and this word count certification) is 5,986 words, within the maximum 6,000 words permitted by the Court.

/s/ Seth D. Greenstein
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing brief *amicus curiae* of the Consumer Technology Association *et al.* was served on all parties through their counsel of record via the Court's CM/ECF system on October 30, 2026.

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