

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

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiffs,

v.

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

Defendants.

Case No. 1:24-cv-04872-SHS-OTW

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the annexed Declaration of Andrew M. Gass, dated September 3, 2024, and the accompanying Memorandum of Law, the undersigned hereby moves this Court on behalf of Defendants OpenAI, Inc., 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) dismissing Counts I and IV 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 Count I to the extent it is based on “abridgments,” for failure to state a claim for relief pursuant to Fed. R. Civ. P. 12(b)(6); (3) dismissing Count III in full for failure to allege facts sufficient to state a claim for relief pursuant to Fed. R. Civ. P. 12(b)(6); and (4) dismissing Counts IV and 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).

Dated: September 3, 2024

Respectfully Submitted,

By: /s/ Andrew M. Gass

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* 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.

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