

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MIKE HUCKABEE, RELEVATE GROUP,	:	
DAVID KINNAMAN, TSH OXENREIDER,	:	No. 1:23-cv-09152 (MMG)
LYSA TERKEURST, and JOHN BLASÉ	:	
on behalf of themselves and all others similarly	:	
situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
BLOOMBERG L.P. and BLOOMBERG	:	
FINANCE L.P.,	:	
	:	
Defendants.	:	
	:	
	:	
-----	X	

**DEFENDANTS BLOOMBERG L.P. AND BLOOMBERG FINANCE L.P.’S ANSWER
TO FIRST AMENDED CLASS ACTION COMPLAINT**

RESPONSE TO NATURE OF THE ACTION

1. Bloomberg admits that the statements in this paragraph are true of many large language models (“LLMs”). Bloomberg denies any remaining allegations of this paragraph.

2. Bloomberg admits that developing useful LLMs requires a massive amount of text data. Bloomberg denies the remaining allegations of this paragraph.

3. Denied.

4. Bloomberg admits that EleutherAI’s website, available at <https://www.eleuther.ai/>, states on its face that EleutherAI is a non-profit artificial intelligence research group. Bloomberg admits that EleutherAI’s Research webpage, available at <https://www.eleuther.ai/research>, states on its face that “EleutherAI has trained and released several series of LLMs and the codebases used to train them” and that “[s]everal of these LLMs were the largest or most capable LLMs available at the time, and have been widely used since in open-source research applications.” Bloomberg denies any remaining allegations of this paragraph.

5. Bloomberg admits that *The Pile: An 800GB Dataset of Diverse Text for Language Modeling*, available at <https://browse.arxiv.org/pdf/2101.00027>, states on its face that The Pile is “an 800GB dataset of diverse text for language modeling.” Bloomberg admits that the same source shows on its face that the paper was submitted to arXiv in December 2020. Bloomberg denies any remaining allegations of this paragraph.

6. Bloomberg admits that *The Pile: An 800GB Dataset of Diverse Text for Language Modeling*, available at <https://browse.arxiv.org/pdf/2101.00027>, states on its face that “training dataset diversity improves general cross-domain knowledge.” Bloomberg denies any remaining allegations of this paragraph.

7. Bloomberg admits that *The Pile: An 800GB Dataset of Diverse Text for Language Modeling*, available at <https://browse.arxiv.org/pdf/2101.00027>, states on its face that The Pile

includes Books3. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the Twitter thread available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations of this paragraph.

8. Bloomberg admits that “The Pile Replication Code,” available at <https://github.com/EleutherAI/the-pile>, states on its face that Books3 occupies approximately 12% of the total bytes in the final dataset. Bloomberg admits that *The Pile: An 800GB Dataset of Diverse Text for Language Modeling*, available at <https://browse.arxiv.org/pdf/2101.00027>, states on its face that the text in the block quote that appears in connection with this paragraph. Bloomberg denies any remaining allegations of this paragraph.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

RESPONSE TO JURISDICTION AND VENUE

13. The allegations of this paragraph state a legal conclusion to which no response is required. To the extent a response is deemed required, Bloomberg admits that the federal district courts have subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. Bloomberg denies any remaining allegations of this paragraph.

14. The allegations of this paragraph state a legal conclusion to which no response is required. To the extent a response is deemed required, for purposes of this matter only, Bloomberg admits that the United States District Court for the Southern District of New York has personal jurisdiction.

15. The allegations of this paragraph state a legal conclusion to which no response is required. To the extent a response is deemed required, for purposes of this matter only, Bloomberg does not contest venue.

RESPONSE TO PARTIES

16. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

17. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

18. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

19. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

20. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

21. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

22. Bloomberg admits that Bloomberg L.P. is a limited partnership formed in the State of Delaware with a principal place of business at 731 Lexington Avenue, New York, New York,

10022. Bloomberg admits that Bloomberg L.P. is a privately held company. Bloomberg denies any remaining allegations in this paragraph.

23. Bloomberg admits that Bloomberg Finance L.P. is a limited partnership formed in the State of Delaware with a principal place of business at 731 Lexington Avenue, New York, New York, 10022. To the extent the allegations of this paragraph purport to quote from or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations of this paragraph.

RESPONSE TO FACTUAL ALLEGATIONS

A. Response to Artificial Intelligence and the Training of Large Language Models

24. Bloomberg admits the allegations of the first sentence of this paragraph. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of the second sentence of this paragraph, and on that basis denies them.

25. Bloomberg admits that LLMs are AI systems that are part of the category of generative AI. Bloomberg admits that LLMs typically include deep-learning architectures and neural networks. Bloomberg denies any remaining allegations of this paragraph.

26. Bloomberg admits that the term “generative AI” encompasses, but is not limited to, artificial intelligence systems that are capable of generating new content in response to user inputs. Bloomberg denies any remaining allegations of this paragraph.

27. Bloomberg admits that pre-training is a process that uses sophisticated statistical techniques to gradually adjust the LLM’s parameters or “weights” by analyzing a massive corpus of diverse textual examples and that this process requires many training steps. Bloomberg admits that the process of training LLMs includes, as one of many steps, breaking textual examples into

“tokens,” which are mapped to corresponding “vectors” or sequences of numbers. Bloomberg admits that a pre-trained model may be fine-tuned. Bloomberg admits that fine-tuning a model may involve training a model on additional text. Bloomberg denies any remaining allegations in this paragraph.

28. Bloomberg admits that some LLMs can generate coherent and contextually relevant text. Bloomberg admits that some LLMs have been used to aid in content creation. Bloomberg denies any remaining allegations of this paragraph.

29. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about third parties, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

30. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about third parties, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

B. Response to Pirate Troves Become Open-Source Training Materials

31. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about third parties, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

32. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about third parties, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

33. To the extent the allegations of this paragraph purport to quote or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full

text available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations in this paragraph.

34. Bloomberg admits that *Dataset Card for the_pile_books3*, available at https://huggingface.co/datasets/the_pile_books3, states on its face that Books3 is Shawn Presser's work. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations in this paragraph.

35. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations in this paragraph.

36. To the extent the allegations of this paragraph purport to quote or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg lacks knowledge or information sufficient to admit or deny any remaining allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations in this paragraph.

37. To the extent the allegations of this paragraph purport to quote or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg lacks knowledge or

information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations in this paragraph.

38. To the extent the allegations of this paragraph purport to quote or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations in this paragraph.

39. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

40. To the extent the allegations of this paragraph purport to quote or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

41. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

42. To the extent the allegations of this paragraph purport to quote or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full

text available at that link, Bloomberg denies those allegations. Bloomberg lacks knowledge or information sufficient to admit or deny allegations about a third party, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

C. Response to BloombergGPT: The First Finance-Oriented LLM

43. Bloomberg admits that it published a press release and a research paper regarding a research LLM called BloombergGPT on March 30, 2023. Bloomberg denies any remaining allegations in this paragraph.

44. Bloomberg admits that it published a press release and a research paper regarding a research LLM called BloombergGPT. Bloomberg admits that *Introducing BloombergGPT, Bloomberg’s 50-billion parameter large language model, purpose-built from scratch for finance*, available at <https://www.bloomberg.com/company/press/bloomberggpt-50-billion-parameter-llm-tuned-finance/>, states on its face that BloombergGPT was “purpose-built from scratch for finance.” To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations.

45. Bloomberg admits that it published a research paper about BloombergGPT. Bloomberg admits that *Introducing BloombergGPT, Bloomberg’s 50-billion parameter large language model, purpose-built from scratch for finance*, available at <https://www.bloomberg.com/company/press/bloomberggpt-50-billion-parameter-llm-tuned-finance/>, states on its face that the LLM “has been specifically trained on a wide range of financial data to support a diverse set of natural language processing (NLP) tasks within the financial industry.” To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations in this paragraph.

46. Bloomberg admits that *Introducing BloombergGPT, Bloomberg’s 50-billion parameter large language model, purpose-built from scratch for finance*, available at <https://www.bloomberg.com/company/press/bloomberggpt-50-billion-parameter-llm-tuned-finance/>, states on its face that “Bloomberg has been a trailblazer in its application of AI, Machine Learning, and NLP in finance.” To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations in this paragraph.

47. Bloomberg admits that *Introducing BloombergGPT, Bloomberg’s 50-billion parameter large language model, purpose-built from scratch for finance*, available at <https://www.bloomberg.com/company/press/bloomberggpt-50-billion-parameter-llm-tuned-finance/>, includes on its face the above quote “large training corpus with over 700 billion tokens.” To the extent the allegations of this paragraph purport to quote from or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations in this paragraph.

48. Denied.

49. Denied.

50. To the extent the allegations of this paragraph purport to quote from or reference an email, the full text of that email speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text of that email, Bloomberg denies those allegations. Bloomberg denies any remaining allegations in this paragraph.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

D. Response to The Cost to the Plaintiffs

55. To the extent the allegations of this paragraph purport to quote from or reference a publicly available webpage, the full text of that webpage speaks for itself. To the extent the allegations of this paragraph purport to summarize or characterize or are inconsistent with the full text available at that link, Bloomberg denies those allegations. Bloomberg denies any remaining allegations in this paragraph.

56. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about third parties, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

57. Denied.

58. Denied.

59. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiff, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

60. Denied.

RESPONSE TO CLASS ALLEGATIONS

61. This paragraph recites a definition, to which no response is required. To the extent a response is deemed required, denied.

62. This paragraph recites a definition, to which no response is required. To the extent a response is deemed required, denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

RESPONSE TO CAUSES OF ACTION

RESPONSE TO FIRST CAUSE OF ACTION

DIRECT COPYRIGHT INFRINGEMENT, 17 U.S.C. § 106, *et seq.*

Brought on behalf of Plaintiffs, individually and on behalf of the Class, against all Defendants

70. This paragraph incorporates by reference the preceding allegations, and therefore no response is required. To the extent a response is deemed required, Bloomberg incorporates by reference its responses to paragraphs 1–69 as if fully set forth herein.

71. Denied.

72. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiffs, and on that basis denies them. Bloomberg denies any remaining allegations of this paragraph.

73. Denied.

74. Denied.

75. Bloomberg lacks knowledge or information sufficient to admit or deny the allegations of this paragraph about Plaintiffs, and on that basis denies them. Bloomberg denies any remaining allegations in this paragraph.

76. Denied.

77. Denied.

78. Denied.

RESPONSE TO REQUEST FOR RELIEF

In response to the Request for Relief, Bloomberg denies that Plaintiffs are entitled to the requested relief, or to any relief whatsoever.

RESPONSE TO JURY DEMAND

With respect to the jury demand contained in the First Amended Class Action Complaint, Bloomberg states that no response is required but likewise demands a trial by jury.

AFFIRMATIVE DEFENSES

In further answer to the allegations made by Plaintiffs in the First Amended Class Action Complaint, Bloomberg asserts the following affirmative defenses. Bloomberg does not concede that it has the burden of proof on the defenses listed below.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claim is barred, in whole or in part, because Plaintiffs do not own or hold exclusive rights under 17 U.S.C. § 106 or any copyright law over each work that was allegedly infringed by Bloomberg.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claim is barred, in whole or in part, because the copyright registrations purporting to cover some or all the works in dispute are invalid or otherwise do not satisfy the requirements of 17 U.S.C. §§ 411–412.

THIRD AFFIRMATIVE DEFENSE

To the extent there is copying of copyrightable expression, that copying constitutes fair use.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claim fails in whole or in part because the alleged use was validly licensed by express or implied license.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claim is barred, in whole or in part, by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claim is barred, in whole or in part, to the extent they claim rights to elements of works or to works which are not protectable under copyright law, or that are in the public domain, lack the requisite originality, are unregistered, or are works to which copyright protection has been abandoned.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claim of copyright infringement is barred or limited by the doctrine of merger.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claim of copyright infringement is barred or limited by the idea/expression dichotomy.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' claim of copyright infringement is barred or limited because the material in which Plaintiffs claim copyright constitutes "*scènes à faire*."

TENTH AFFIRMATIVE DEFENSE

To the extent there is actionable copying of copyrightable expression, that copying is *de minimis*.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claim of copyright infringement is barred or limited because the material in which Plaintiffs claim copyright constitutes unprotectable facts.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claim for damages is barred or limited by the Due Process Clause.

THIRTEENTH AFFIRMATIVE DEFENSE

Bloomberg reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, and any other defenses at law or in equity, that may now exist or in the future become available based on discovery and further factual investigation.

Dated: January 27, 2026

MORRISON & FOERSTER LLP

By: /s/ Joseph C. Gratz

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