

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

IN RE:

OPENAI, INC.,
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This document relates to:

Case No. 1:23-cv-08292-SHS-OTW

Case No. 1:23-cv-10211-SHS-OTW

25-md-3143 (SHS) (OTW)

Hon. Sidney H. Stein

Hon. Ona T. Wang

HIGHLIGHTED—SEALED VERSION

**CLASS PLAINTIFFS' COUNTERSTATEMENT OF MATERIAL FACTS IN
OPPOSITION TO MICROSOFT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York, David Baldacci, Taylor Branch, Michael Connelly, Sylvia Day, Jonathan Franzen, Christopher Golden, Andrew Sean Greer, John Grisham, David Henry Hwang, Matthew Klam, George R.R. Martin, Jodi Picoult, Stacy Schiff, James Shapiro, The Authors Guild, Belfry Holdings, Inc., Columbus Rose, Ltd., Daring Greatly Corporation, Gattopardo, LLC, Hieronymus, Inc., Sylvia Day LLC, and Wo & Shade LLC (collectively, “Class Plaintiffs”) respectfully submit this counterstatement of material facts in opposition to Microsoft’s Motion for Summary Judgment.

A. 2016 to 2018: The Early Days of the OpenAI-Microsoft Relationship

[REDACTED]

[REDACTED]

6. In 2014, Google acquired DeepMind, an AI startup that aimed “to develop computers that think like humans.” Nelson Decl. Ex. 853.

[REDACTED]

[REDACTED]

[illegible]

[illegible]

7

8

9

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A series of horizontal bars of varying lengths, some solid black and some with a yellow segment at the beginning, representing a data visualization. The bars are arranged in a vertical stack, with some having a small yellow segment at the start, followed by a black segment. The lengths of the bars vary significantly, with some being very short and others extending across most of the width of the image. The yellow segments are consistently positioned at the left end of the bars they appear on.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dated: October 23, 2026

/s/ Justin A. Nelson

Justin A. Nelson

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Interim Lead Counsel for Class Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2026, I caused the foregoing document to be electronically filed with the Clerk of the United States District Court for the Southern District of New York using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Tyler Alabanza-Behard

Tyler Alabanza-Behard