

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

IN RE:

OpenAI, INC.,

25-md-3143 (SHS) (OTW)

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This Document Relates To:

1:25-cv-04315-SHS-OTW

DECLARATION OF KEITH WAEHRER

I, Dr. Keith Waehrer, declare as follows:

1. I have been retained by counsel for Ziff Davis, Inc., Ziff Davis, LLC, IGN Entertainment, Inc., Everyday Health Media, LLC, Mashable, Inc., and CNET Media, Inc. (collectively, “Ziff Davis”) (collectively, “Ziff Davis”) to serve as an expert witness to review and respond to the Opening Expert Report of Dr. Avi Goldfarb in the above-captioned matter.

2. I submitted one expert report in this matter, a Rebuttal Expert Report (the “Rebuttal Report”) dated May 29, 2026. A true and correct copy of the Rebuttal Report is attached hereto as Exhibit A.

3. I submit this declaration in connection with Ziff Davis’s Opposition to Defendant’s Motion for Summary Judgment.

4. My professional background and qualifications in economic analysis are set forth in my Rebuttal Report referenced below, with a detailed version of my curriculum vitae included as an appendix to my Rebuttal Report.

5. The statements set forth in my Rebuttal Report, including the opinions, analyses, and conclusions, are based on my specialized knowledge, education, and experience, as applied to

the facts of this case. If called upon to do so, I could and would testify competently to those opinions, analyses, and conclusions. Nothing in any of my report or this declaration is intended to modify, withdraw, or otherwise alter any opinions, analyses, or conclusions that I provided during my deposition conducted on July 28, 2026.

Verification

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 18th day of October, 2026.

Executed in Washington, DC

Signed by:

Keith Wachrer

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Keith Wachrer