Exhibit A

Tuesday, November 18, 2025 at 1:10:32 PM Pacific Standard Time

Subject: RE: NYT / Microsoft express license dispute
Date: Wednesday, November 12, 2025 at 3:01:37 PM Pacific Standard Time
From: Briant, Jared B. <jared.briant@faegredrinker.com>
To: Alex Frawley <AFrawley@susmangodfrey.com>, NewYorkTimes_Microsoft_OHS@orrick.com <NewYorkTimes_Microsoft_OHS@orrick.com>, #NewYorkTimes-Microsoft-FDBR <NewYorkTimes-Microsoft-FDBR@faegredrinker.com>
CC: KVP-OAI <kvpoai@keker.com>, OpenAICopyright <openaicopyright@mofo.com>, Latham OpenAI Copyright Team <openaicopyrightlitigation.lwteam@lw.com>, NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com>, Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>

EXTERNAL Email

Alex –

We went back and looked at News Topic 51 as well as our objections to that Topic. We objected to that Topic on the grounds that it was an improper contention deposition topic. *See, e.g., Liveperson, Inc. v. 24/7 Customer, Inc.*, No. 14-cv-1559 (RWS), 2015 WL 4597546, at *7 (S.D.N.Y. July 30, 2015). By stating at the hearing that we would designate a 30(b)(6) witness to testify regarding agreements between Microsoft and The Times, we did not waive our objection on these grounds or agree that we would designate a witness to testify regarding Microsoft's legal contentions regarding this subject.

Moreover, we are investigating additional grounds for the express license defense in light of Judge Stein's order that expanded the scope of the case with respect to more recent models and products, and the parties' positions regarding the scope of discovery regarding additional Microsoft products.

We will designate a witness to speak regarding the facts of the agreements once this is complete.

Jared B. Briant
Partner
jared.briant@faegredrinker.com
Connect: vCard

+1 303 607 3588 direct / +1 303 520 5987 mobile / +1 303 607 3600 fax

Faegre Drinker Biddle & Reath LLP
1144 15th Street, Suite 3400
Denver, Colorado 80202, USA

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From: Alex Frawley <AFrawley@susmangodfrey.com>
Sent: Wednesday, November 12, 2025 8:03 AM
To: NewYorkTimes_Microsoft_OHS@orrick.com; #NewYorkTimes-Microsoft-FDBR <NewYorkTimes-Microsoft-FDBR@faegredrinker.com>
Cc: KVP-OAI <kvpoai@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; Latham OpenAI Copyright Team <openaicopyrightlitigation.lwteam@lw.com>; NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com> <newsplaintiffs-service@simplelists.susmangodfrey.com>;

Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>
Subject: RE: NYT / Microsoft express license dispute

This Message originated outside your organization.

Counsel,

It's been almost two weeks since I sent my below email and I have not received any response. Please by tomorrow identify the witness for this topic and proposed dates within the next three weeks. Plaintiffs will otherwise on Friday move to compel a date for this deposition.

From: Alex Frawley
Sent: Friday, November 7, 2025 10:06 AM
To: NewYorkTimes_Microsoft_OHS@orrick.com; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>
Cc: 'KVP-OAI' <kvpoai@keker.com>; 'OpenAICopyright' <openaicopyright@mofo.com>; 'Latham OpenAI Copyright Team' <openaicopyrightlitigation.lwteam@lw.com>; 'NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com>' <newsplaintiffs-service@simplelists.susmangodfrey.com>; 'Holden Benon' <oai-ndca-sdny@simplelists.susmangodfrey.com>
Subject: RE: NYT / Microsoft express license dispute

Counsel for Microsoft:

Following up on the below. Please respond by Monday with the witness and proposed dates.

From: Alex Frawley
Sent: Thursday, October 30, 2025 10:57 AM
To: NewYorkTimes_Microsoft_OHS@orrick.com; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>
Cc: KVP-OAI <kvpoai@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; Latham OpenAI Copyright Team <openaicopyrightlitigation.lwteam@lw.com>; NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com> <newsplaintiffs-service@simplelists.susmangodfrey.com>; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>
Subject: NYT / Microsoft express license dispute

Counsel for Microsoft:
Yesterday in court Microsoft confirmed that it would prepare a 30(b)(6) witness to testify about the contracts which Microsoft will rely on for its express license defense, consistent with 30b6 Topic 51. Please let us know which witness will cover

this topic and dates during the next three weeks when they are available to sit for deposition.
Best,
Alex

Alexander P. Frawley | Susman Godfrey LLP
One Manhattan West, 50th Floor | New York, NY 10001
212.729.2044 (office) | 917.599.6613 (cell)
afrawley@susmangodfrey.com | www.susmangodfrey.com