UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE OPENAI, INC. COPYRIGHT INFRINGEMENT LITIGATION This Document Relates To: No. 1:24-cv-04872 (SHS) (OTW)	No. 1:25-md-03143 (SHS) (OTW)

PLAINTIFF THE CENTER FOR INVESTIGATIVE REPORTING, INC.'S RESPONSE TO OPENAI'S MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiff The Center for Investigative Reporting, Inc. ("CIR") respectfully submits this response to OpenAI's Motion for Judgment on the Pleadings (ECF No. 1586) ("Motion").

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, CIR will amend its complaint to dismiss with prejudice Count III (Contributory Copyright Infringement by All Defendants) of its First Amended Complaint (ECF No. 88 in Case No. 24-CV-04872). Defendants consent to this amendment. CIR's removal by amendment of Count III moots OpenAI's Motion.

CIR reserves the right to seek leave to further amend its complaint with regard to a contributory infringement claim against Microsoft in light of the Supreme Court's intervening decision in *Cox Communications, Inc. v. Sony Music Entertainment*, 146 S. Ct. 959 (2026) following this Court's ruling on the motions filed by The Times (ECF No. 1590) and Daily News Plaintiffs (ECF No. 1598).

For the foregoing reasons, the Court should deny OpenAI's motion.

RESPECTFULLY SUBMITTED,

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