UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This Document Relates To: *Authors Guild, et al. v. OpenAI, Inc., et al.*, No. 1:23-cv-08292-SHS-OTW *Alter et al. v. OpenAI, Inc., et al.*, No. 1:23-CV-10211-SHS-OTW	Civil Action No. 1:25-md-03143 **CLASS PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT** **ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Local Rule 56.1 Statement of Undisputed Material Facts, as well as the accompanying Declarations of Justin Nelson, Dr. Shawn Shan, Dr. Ben Zhao, Dr. David Choffnes, Mr. Michael Lasinski, Mr. Mark Seeley, and all exhibits attached thereto, the undersigned hereby move this Court on behalf of Class Plaintiffs, before the Honorable Sydney H. Stein in Courtroom 23A of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007, on a date and at a time to be set by the Court, for an order granting Class Plaintiffs' Motion for Partial Summary Judgment pursuant to Federal Rule of Civil Procedure 56, and for such other relief as the Court deems just and proper.

Class Plaintiffs seek an order:

1. Granting summary judgment on Class Plaintiffs' prima facie claim that the OpenAI Defendants[1] and Microsoft infringed Class Plaintiffs' copyrights.

[1] The OpenAI Defendants include OpenAI, Inc., OpenAI GP LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund I LP, OpenAI Startup Fund GP I LLC, OpenAI Startup Fund Management LLC, and OpenAI Group PBC. *See* Dkt. 183 (consolidated complaint); Dkt. 1385 (OpenAI's motion to substitute).

2. Granting summary judgment on Class Plaintiffs' claim that Microsoft Corporation is vicariously liable for the OpenAI Defendants' infringement.
3. Granting summary judgment for Class Plaintiffs on Defendants' fair use affirmative defenses. *See* the OpenAI Defendants' Answer, Dkt. 754 at 40 (OpenAI's Fair Use Defense); Microsoft's Answer, Dkt. 878 at 40 (Microsoft Fair Use Defense).

Dated: September 4, 2026

Respectfully submitted,

/s/ Justin A. Nelson

Justin A. Nelson (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, TX 77002
Tel.: 713-651-9366
jnelson@susmangodfrey.com

Interim Lead Counsel for Class Plaintiffs