UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This document relates to: All Actions 23-cv-08292 23-cv-10211 25-cv-03482 23-cv-11195 24-cv-01515 24-cv-03285 24-cv-04872 25-cv-04315	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang

JOSEPH C. GRATZ DECLARATION IN SUPPORT OF OPENAI'S MOTIONS FOR SUMMARY JUDGMENT

I, Joseph C. Gratz, hereby declare under penalty of perjury:

1. I am an attorney duly admitted to practice law in the State of California and in this Court. I am a Partner at Morrison & Foerster LLP, attorneys for the OpenAI Defendants (collectively, "OpenAI") in the above-captioned civil action. I submit this declaration in support of Defendants' Motion for Summary Judgment. I make this declaration based on personal knowledge of the facts and circumstances set forth herein.

2. Attached as **Exhibit 1** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001691191 to OPCO_MDL_001691196.

3. Attached as **Exhibit 2** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001690287 to OPCO_MDL_001690290.

4. Attached as **Exhibit 3** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of Chris Koch, taken on April 10, 2026.

5. Attached as **Exhibit 4** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001692276 to OPCO_MDL_001692279.

6. Attached as **Exhibit 5** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001690116 to OPCO_MDL_001690126.

7. Attached as **Exhibit 6** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000000382 to OPCO_MDL_000000393.

8. Attached as **Exhibit 7** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000200504 to OPCO_MDL_000200516.

9. Attached as **Exhibit 8** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000000018 to OPCO_MDL_0000000047.

10. Attached as **Exhibit 9** is a true and correct copy of Karl Cobbe et al., *Training Verifiers to Solve Math Word Problems*, OpenAI (Nov. 18, 2021), also available at https://arxiv.org/2110.14168.

11. Attached as **Exhibit 10** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001688481 to OPCO_MDL_001688548.

12. Attached as **Exhibit 11** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001688549 to OPCO_MDL_001688597.

13. Attached as **Exhibit 12** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001934525 to OPCO_MDL_001934548.

14. Attached as **Exhibit 13** is a true and correct copy of Miles Wang et al., *FrontierScience: Evaluating AI's ability to perform scientific research tasks*, OpenAI (Dec. 16, 2025), also available at https://cdn.openai.com/pdf/2fcd284c-b468-4c21-8ee0-7a783933efcc/frontierscience-paper.pdf.

15. **Exhibit 14** is intentionally omitted.

16. Attached as **Exhibit 15** is a true and correct copy of excerpts of the transcript of the deposition of Daniel Delorey taken on July 15, 2026.

17. Attached as **Exhibit 16** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_002071700 to OPCO_MDL_002071714.

18. Attached as **Exhibit 17** is a true and correct copy of.the Declaration of Alex Paino, dated April 13, 2026.

19. Attached as **Exhibit 18** is an excerpt of a true and correct copy of the Expert Report of Emily Wenger, Ph.D., served on April 24, 2026.

20. Attached as **Exhibit 19** is intentionally omitted.

21. Attached as **Exhibit 20** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Nicholas R. Ryder, Ph.D., taken on January 29, 2026.

22. Attached as **Exhibit 21** is a true and correct copy of excerpts of the transcript of the deposition of Shantanu Jain, taken on March 11, 2025.

23. Attached as **Exhibit 22** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Alex Paino, taken on January 22, 2026.

24. Attached as **Exhibit 23** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Plaintiffs' Third Set of Interrogatories to OpenAI, served on June 17, 2024, in *Authors Guild et al. v. OpenAI Inc. et al.*, Case No. 1:23-cv-08292-SHS (S.D.N .Y.), and *Alter et al. v. OpenAI Inc. et al.*, Case No. 1:23-cv-10211-SHS (S.D.N.Y.) (collectively, "S.D.N.Y. Books Litigation cases").

25. Attached as **Exhibit 24** is a true and correct copy of a document produced in this action by the Daily News Plaintiffs with Bates number DNP-00636034.

26. Attached as **Exhibit 25** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Ian Sohl, taken on March 31, 2025.

27. Attached as **Exhibit 26** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Ian Sohl, taken on December 9, 2025.

28. Attached as **Exhibit 27** is an excerpt of a true and correct copy of the transcript of the deposition of Tom Goldstein, Ph.D., taken on July 31, 2026.

29. Attached as **Exhibit 28** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000000439 to OPCO_MDL_000000513.

30. Attached as **Exhibit 29** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Class Plaintiffs' Fourth Set of Interrogatories to OpenAI, served on January 16, 2026.

31. Attached as **Exhibit 30** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Plaintiff The Intercept Media Inc.'s Fifth Set of Interrogatories to OpenAI, served on January 16, 2026.

32. Attached as **Exhibit 31** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Plaintiff The Center for Investigative Reporting, Inc.'s Fourth Set of Interrogatories to OpenAI, served on January 16, 2026.

33. Attached as **Exhibit 32** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Plaintiff Daily News' Fifth Set of Interrogatories to OpenAI, served on January 16, 2026.

34. Attached as **Exhibit 33** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Ziff Davis Plaintiffs' Second Set of Interrogatories to OpenAI, served on January 16, 2026.

35. Attached as **Exhibit 34** is an excerpt of a true and correct copy of OpenAI's Responses and Objections to Plaintiff The New York Times Company's Fifth Set of Interrogatories to OpenAI, served on January 16, 2026.

36. Attached as **Exhibit 35** is an excerpt of a true and correct copy of the transcript of the deposition of Chris Callison-Burch, Ph.D., taken on July 15, 2026.

37. Attached as **Exhibit 36** is an excerpt of a true and correct copy of the transcript of the deposition of Chris Callison-Burch, Ph.D., taken on July 16, 2026.

38. Attached as **Exhibit 37** is an excerpt of a true and correct copy of the transcript of the deposition of Robert McGrew, taken on February 27, 2026.

39. Attached as **Exhibit 38** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001003614 to OPCO_MDL_001003622.

40. Attached as **Exhibit 39** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Nick Turley, taken on February 25, 2026.

41. Attached as **Exhibit 40** is a true and correct copy of excerpted pages of OpenAI's Responses and Objections to Books Plaintiffs' First Set of Requests for Admission to OpenAI, served on September 29, 2025.

42. Attached as **Exhibit 41** is a true and correct copy of Kevin Roose, *The Brilliance and Weirdness of ChatGPT*, The New York Times (Dec. 5, 2022), also available at https://www.nytimes.com/2022/12/05/technology/chatgpt-ai-twitter.html.

43. Attached as **Exhibit 42** is a true and correct copy of Ethan Mollick, *ChatGPT Is a Tipping Point for AI*, Harvard Business Review (Dec. 14, 2022), also available at https://hbr.org/2022/12/chatgpt-is-a-tipping-point-for-ai.

44. Attached as **Exhibit 43** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001934127 to OPCO_MDL_001934135.

45. Attached as **Exhibit 44** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000000517 to OPCO_MDL_000000531.

46. Attached as **Exhibit 45** is a true and correct copy of *Building abundant intelligence*, OpenAI (July 31, 2026), also available at https://openai.com/index/building-abundant-intelligence/.

47. Attached as **Exhibit 46** is a true and correct copy of Yazid Albadarin et al., *A Systematic Literature Review of Empirical Research on ChatGPT in Education*, Discover Educ. (May 26, 2024), also available at https://link.springer.com/article/10.1007/s44217-024-00138-2.

48. Attached as **Exhibit 47** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001950136 to OPCO_MDL_001950141.

49. Attached as **Exhibit 48** is an excerpt of a true and correct copy of the transcript of the deposition of Melanie Mitchell, Ph.D., taken on July 8, 2026.

50. Attached as **Exhibit 49** is a true and correct copy of Sachita Nishal et al., *De-Jargonizing Science for Journalists with GPT-4: A Pilot Study*, arXiv (2024), also available at https://arxiv.org/pdf/2410.12069.

51. Attached as **Exhibit 50** is a true and correct copy of Justin Morse et al., *A Custom-Built Ambient Scribe Reduces Cognitive Load and Documentation Burden for Telehealth Clinicians* (May 2, 2025), also available at https://arxiv.org/abs/2507.17754.

52. Attached as **Exhibit 51** is a true and correct copy of *Introducing GPT‑Rosalind for life sciences research*, OpenAI (Apr. 16, 2026), also available at https://openai.com/index/introducing-gpt-rosalind/.

53. Attached as **Exhibit 52** is a true and correct copy of Marco Baroni et al., *The WaCky Wide Web: A Collection of Very Large Linguistically Processed Web-Crawled Corpora*, 43 Language Resources & Evaluation 209 (2009), produced with Bates numbers CALLISONBURCH_000000001 to CALLISONBURCH_000000018.

54. Attached as **Exhibit 53** is an excerpt of a true and correct copy of the Opening Report of Daniel P. Delorey, served on April 24, 2026.

55. Attached as **Exhibit 54** is a true and correct copy of OpenAI, *domains.txt*, GitHub, also available at https://github.com/openai/gpt-2/blob/master/domains.txt.

56. Attached as **Exhibit 55** is an excerpt of a true and correct copy of the transcript of the deposition of Lama Ahmad, taken on February 3, 2026.

57. Attached as **Exhibit 56** is an excerpt of a true and correct copy of the Opening Report of Dr. Melanie Mitchell, served on April 24, 2026.

58. Attached as **Exhibit 57** is an excerpt of a true and correct copy of the transcript of the deposition of Benjamin Mann, taken on February 20, 2026.

59. Attached as **Exhibit 58** is an excerpt of a true and correct copy of OpenAI's Supplemental Responses to Plaintiffs' Interrogatory Nos. 6, 8, and 16, served on May 3, 2024, in *In re OpenAI ChatGPT Litigation*, Case No. 3:23-cv-03223-AMO (N.D. Cal) ("*In re OpenAI ChatGPT Litigation*").

60. Attached as **Exhibit 59** is a true and correct copy of Irene Solaiman et al., *Process for Adapting Language Models to Society (PALMS) with Values-Targeted Datasets*, OpenAI (2021), also available at https://cdn.openai.com/palms.pdf.

61. Attached as **Exhibit 60** is a true and correct copy of Tyna Eloundou et al., *First-Person Fairness in Chatbots*, OpenAI (Oct. 15, 2024), also available at https://cdn.openai.com/papers/first-person-fairness-in-chatbots.pdf.

62. Attached as **Exhibit 61** is a true and correct copy of Samuel Gehman et al., RealToxicityPrompts: Evaluating Toxic Degeneration in Language Models, arXiv (Sept. 25, 2020), also available at https://arxiv.org/pdf/2009.11462.

63. Attached as **Exhibit 62** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000999942 to OPCO_MDL_001000041.

64. Attached as **Exhibit 63** is a true and correct copy of OpenAI, *Defining and evaluating political bias in LLMs*, OpenAI Blog (Oct. 9, 2025), also available at ttps://openai.com/index/defining-and-evaluating-political-bias-in-llms/.

65. Attached as **Exhibit 64** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Barret Zoph, taken on March 6, 2026.

66. Attached as **Exhibit 65** is a true and correct copy of *ChatGPT on the Web*, ChatGPT Learn, available at https://learn.chatgpt.com/docs/web.

67. Attached as **Exhibit 66** is a true and correct copy of *Download ChatGPT for Desktop*, ChatGPT, also available at https://chatgpt.com.

68. Attached as **Exhibit 67** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001001899 to OPCO_MDL_001001909.

69. Attached as **Exhibit 68** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Brad Lightcap, taken on January 15, 2026.

70. Attached as **Exhibit 69** is an excerpt of a true and correct copy of the transcript of the deposition of Peter Welinder, taken on February 21, 2025.

71. Attached as **Exhibit 70** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Chris Koch, taken on April 10, 2026.

72. Attached as **Exhibit 71** is an excerpt of a true and correct copy of the transcript of the deposition of Lilian Weng, taken on February 10, 2026.

73. Attached as **Exhibit 72** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_002138928 to OPCO_MDL_002138941.

74. Attached as **Exhibit 73** is an excerpt of a true and correct copy of the transcript of the deposition of Jakub Pachocki, taken on April 2, 2025.

75. Attached as **Exhibit 74** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Johannes Heidecke, taken on February 12, 2026.

76. Attached as **Exhibit 75** is a true and correct copy of Katherine Lee et al., *Deduplicating Training Data Makes Language Models Better, in* Procs. 60th Ann. Meeting Ass'n for Computational Linguistics 8424 (May 2022), also available at https://aclanthology.org/2022.acl-long.577/.

77. Attached as **Exhibit 76** is an excerpt of a true and correct copy of the transcript of the deposition of John Schulman, taken on November 7, 2025.

78. Attached as **Exhibit 77** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Barret Zoph, taken on March 6, 2026.

79. Attached as **Exhibit 78** is an excerpt of a true and correct copy of the transcript of the deposition of Michelle Fradin, taken on January 31, 2026.

80. Attached as **Exhibit 79** is an excerpt of a true and correct copy of the transcript of the 30b(b) deposition of Adel Ibrahim, taken on November 20, 2025.

81. Attached as **Exhibit 80** is a true and correct copy of Tong Mu et al., *Improving Model Safety Behavior with Rule-Based Rewards*, OpenAI Blog (July 24, 2024), also available at https://openai.com/index/improving-model-safety-behavior-with-rule-based-rewards/.

82. Attached as **Exhibit 81** is a true and correct copy of Tong Mu et al., *Rule Based Rewards for Language Model Safety*, OpenAI (2024), also available at https://cdn.openai.com/rule-based-rewards-forlanguage- model-safety.pdf.

83. Attached as **Exhibit 82** is an excerpt of a true and correct copy of the transcript of the deposition of Michael Ryan Lampe, taken on October 8, 2025.

84. Attached as **Exhibit 83** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001689777 to OPCO_MDL_001689788.

85. Attached as **Exhibit 84** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Ian Sohl, taken on March 31, 2025.

86. Attached as **Exhibit 85** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of John Vincent Monaco, taken on April 8, 2026.

87. Attached as **Exhibit 86** is an excerpt of a true and correct copy of the transcript of the deposition of Henrique Ponde de Oliveira Pinto, taken on December 18, 2025.

88. Attached as **Exhibit 87** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of John Vincent Monaco, taken on January 27, 2026.

89. Attached as **Exhibit 88** is an excerpt of a true and correct copy of the transcript of the deposition of John Vincent Monaco, taken on January 28, 2026.

90. Attached as **Exhibit 89** is an excerpt of a true and correct copy of the Expert Report of Catherine Tucker, Ph.D., related to the Class Plaintiffs, served on April 24, 2026.

91. Attached as **Exhibit 90** is a true and correct copy of the "Sports Results" archive from the July 13, 1941 print edition of The New York Times, available at https://www.nytimes.com/1941/07/13/archives/sports-results.html. I have reviewed the native file produced by The New York Times starting with Bates No. NYT_01077186 and confirm that at row 51,754 The Times claims "Sports Results" as its Asserted Work. On this Court's request, OpenAI can submit a physical copy of the native file.

92. Attached as **Exhibit 91** is a true and correct copy of the "TV Schedule" archive from the February 1, 1976 print edition of The New York Times, available at https://www.nytimes.com/1976/02/01/archives/tv-schedule.html. I have reviewed the native file

produced by The New York Times starting with Bates No. NYT_01077196 and confirm that at row 68,266 The Times claims "TV Schedule" for the 1976 Winter Olympics as its Asserted Work. On this Court's request, OpenAI can submit a physical copy of the native file.

93. Attached as **Exhibit 92** is an excerpt of a true and correct copy of the Opening Expert Report of Dr. Oren Etzioni, served on April 24, 2026.

94. Attached as **Exhibit 93** is an excerpt of a true and correct copy of the transcript of the deposition of Sixiong Shawn Shan, Ph.D., taken on July 29, 2026.

95. Attached as **Exhibit 94** is an excerpt of a true and correct copy of the (Corrected) Rebuttal Expert Report of Shawn Shan, Ph.D., served on August 14, 2026.

96. Attached as **Exhibit 95** is an excerpt of a true and correct copy of the Expert Report of Shawn Shan, Ph.D., served on April 27, 2026.

97. Attached as **Exhibit 96** is an excerpt of a true and correct copy of the transcript of the deposition of John Grisham, taken on March 23, 2026.

98. Attached as **Exhibit 97** is an excerpt of a true and correct copy of the transcript of the deposition of George R.R. Martin, taken on February 27, 2026.

99. Attached as **Exhibit 98** is an excerpt of a true and correct copy of the transcript of the deposition of David G. Baldacci, taken on January 20, 2026.

100. Attached as **Exhibit 99** is an excerpt of a true and correct copy of the transcript of the deposition of Michael Connelly, taken on December 9, 2025.

101. Attached as **Exhibit 100** is an excerpt of a true and correct copy of the transcript of the deposition of Jodi Picoult, taken on September 29, 2025.

102. Attached as **Exhibit 101** is an excerpt of a true and correct copy of the transcript of the deposition of Mark L. Seeley, taken on July 13, 2026.

103. Attached as **Exhibit 102** is an excerpt of a true and correct copy of the transcript of the deposition of Franklin Taylor Branch, taken on December 16, 2025.

104. Attached as **Exhibit 103** is a true and correct copy of a document produced by Fiction Plaintiffs as Bates numbers FICTION-0021307 to FICTION-0021323.

105. Attached as **Exhibit 104** is an excerpt of a true and correct copy of the transcript of the deposition of Andrew Sean Greer, taken on January 7, 2026.

106. Attached as **Exhibit 105** is an excerpt of a true and correct copy of the transcript of the deposition of Jonathan Franzen, taken on October 9, 2025.

107. Attached as **Exhibit 106** is an excerpt of a true and correct copy of the transcript of the deposition of Sylvia June Wolicki (a/k/a Sylvia Day), taken on February 13, 2026.

108. Attached as **Exhibit 107** is an excerpt of a true and correct copy of Plaintiff John Grisham's Responses to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 43-51), served on March 14, 2025, in the S.D.N.Y. Books Litigation cases.

109. Attached as **Exhibit 108** is an excerpt of a true and correct copy of Plaintiff David Baldacci's Responses to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 43-51), served on March 14, 2025, in the S.D.N.Y. Books Litigation cases.

110. Attached as **Exhibit 109** is an excerpt of a true and correct copy of Plaintiff Michael Connelly's Responses to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 43-51), served on March 14, 2025, in the S.D.N.Y. Books Litigation cases.

111. Attached as **Exhibit 110** is an excerpt of a true and correct copy of Plaintiff Sylvia Day's Responses to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 43-51), served on March 14, 2025, in the S.D.N.Y. Books Litigation cases.

112. Attached as **Exhibit 111** is an excerpt of a true and correct copy of Plaintiff Andrew Sean Greer's Responses and Objections to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 49-56), served on February 28, 2025, in *In re OpenAI ChatGPT Litigation*.

113. Attached as **Exhibit 112** is an excerpt of a true and correct copy of the transcript of the deposition of Stacy Schiff, taken on December 19, 2025.

114. Attached as **Exhibit 113** is an excerpt of a true and correct copy of the transcript of the deposition of Christopher Golden, taken on March 17, 2025.

115. Attached as **Exhibit 114** is an excerpt of a true and correct copy of the transcript of the deposition of Christopher Golden, taken on February 10, 2026.

116. Attached as **Exhibit 115** is an excerpt of a true and correct copy of the transcript of the deposition of James Shapiro, taken on September 26, 2025.

117. Attached as **Exhibit 116** is an excerpt of a true and correct copy of the transcript of the deposition of Michael James Lasinski, taken on August 3, 2026.

118. Attached as **Exhibit 117** is an excerpt of a true and correct copy of Plaintiff Authors Guild's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

119. Attached as **Exhibit 118** is an excerpt of a true and correct copy of Plaintiff David Baldacci's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

120. Attached as **Exhibit 119** is an excerpt of a true and correct copy of Plaintiff Taylor Branch's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 51-65), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

121. Attached as **Exhibit 120** is an excerpt of a true and correct copy of Plaintiff Stacy Schiff's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 51-65), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

122. Attached as **Exhibit 121** is an excerpt of a true and correct copy of Plaintiff Michael Connelly's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

123. Attached as **Exhibit 122** is an excerpt of a true and correct copy of Plaintiff Jonathan Franzen's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

124. Attached as **Exhibit 123** is an excerpt of a true and correct copy of Plaintiff John Grisham's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

125. Attached as **Exhibit 124** is an excerpt of a true and correct copy of Plaintiff James Shapiro's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 51-65), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

126. Attached as **Exhibit 125** is an excerpt of a true and correct copy of Plaintiff George R.R. Martin's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

127. Attached as **Exhibit 126** is an excerpt of a true and correct copy of Plaintiff Jodi Picoult's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

128. Attached as **Exhibit 127** is an excerpt of a true and correct copy of Plaintiff Sylvia Day's Responses to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos. 52-66), served on April 30, 2025, in the S.D.N.Y. Books Litigation cases.

129. Attached as **Exhibit 128** is an excerpt of a true and correct copy of Plaintiff Christopher Golden's Responses and Objections to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 15-49), served on January 27, 2025, in *In re OpenAI ChatGPT Litigation*.

130. Attached as **Exhibit 129** is an excerpt of a true and correct copy of Plaintiff David Henry Hwang's Responses and Objections to OpenAI OpCo, LLC's Second Set of Requests for Admission, served on January 27, 2025, in *In re OpenAI ChatGPT Litigation*.

131. Attached as **Exhibit 130** is an excerpt of a true and correct copy of Plaintiff Christopher Golden's Second Supplemental Responses and Objections to OpenAI OpCo, LLC's Third Set of Interrogatories, served on March 10, 2025, in *In re OpenAI ChatGPT Litigation*.

132. Attached as **Exhibit 131** is an excerpt of a true and correct copy of Plaintiff Andrew Sean Greer's Responses and Objections to OpenAI OpCo, LLC's Second Set of Requests for Admission, served on January 27, 2025, in *In re OpenAI ChatGPT Litigation*.

133. Attached as **Exhibit 132** is an excerpt of a true and correct copy of Plaintiff Christopher Golden's Supplemental Responses and Objections to OpenAI's Interrogatories, served on February 25, 2026.

134. Attached as **Exhibit 133** is an excerpt of a true and correct copy of Plaintiff Christopher Golden's Responses and Objections to OpenAI's Sixth Set of Interrogatories, served on May 5, 2025.

135. Attached as **Exhibit 134** is an excerpt of a true and correct copy of Plaintiff Andrew Sean Greer's Supplemental Responses and Objections to OpenAI's Fifth Set of Interrogatories, served on May 2, 2025.

136. Attached as **Exhibit 135** is an excerpt of a true and correct copy of Plaintiff Andrew Sean Greer's Supplemental Responses and Objections to OpenAI's Sixth Set of Interrogatories, served on February 25, 2026.

137. Attached as **Exhibit 136** is an excerpt of a true and correct copy of Plaintiff David Henry Hwang's Supplemental Responses and Objections to OpenAI's Sixth Set of Interrogatories, served on February 25, 2026.

138. Attached as **Exhibit 137** is an excerpt of a true and correct copy of Plaintiff David Henry Hwang's Responses and Objections to OpenAI's Fifth Set of Interrogatories, served on May 2, 2025.

139. Attached as **Exhibit 138** is a true and correct copy of a document produced in this action by CIR with Bates numbers CIR0081360 to CIR0081363.

140. Attached as **Exhibit 139** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Mary Rasenberger, taken on February 13, 2026.

141. Attached as **Exhibit 140** is a true and correct copy of Guilherme Penedo et al., *The FineWeb Datasets: Decanting the Web for the Finest Text Data at Scale,* arXiv (Oct. 31, 2024), also available at https://arxiv.org/pdf/2406.17557.

142. Attached as **Exhibit 141** is a true and correct copy of Nikhil Kandpal et al., *The Common Pile v0.1: An 8TB Dataset of Public Domain and Openly Licensed Text*, arXiv (June 5, 2025), https://arxiv.org/pdf/2506.05209.

143. Attached as **Exhibit 142** is a true and correct copy of Luca Soldaini et al., *Dolma: An Open Corpus of Three Trillion Tokens for Language Model Pretraining Research*, arXiv (2024), https://arxiv.org/pdf/2402.00159.

144. Attached as **Exhibit 143** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of Annie Chabel, taken on February 23, 2026.

145. **Exhibit 144** is intentionally omitted.

146. **Exhibit 145** is intentionally omitted.

147. **Exhibit 146** is intentionally omitted.

148. Attached as **Exhibit 147** is an excerpt of a true and correct copy of the transcript of the deposition of Mary Rasenberger, taken on February 12, 2026.

149. Attached as **Exhibit 148** is an excerpt of a true and correct copy of the transcript of the deposition of Umair Kazi, taken on February 26, 2026 .

150. Attached as **Exhibit 149** is an excerpt of a true and correct copy of the transcript of the deposition of David Henry Hwang, taken on January 22, 2026.

151. Attached as **Exhibit 150** is an excerpt of a true and correct copy of the Expert Rebuttal Report of Michael Lasinski, served on May 29, 2026.

152. **Exhibit 151** is intentionally omitted.

153. **Exhibit 152** is intentionally omitted.

154. **Exhibit 153** is intentionally omitted..

155. Attached as **Exhibit 154** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001693110 to OPCO_MDL_001693120.

156. Attached as **Exhibit 155** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Adam Perelman, taken on January 30, 2026

157. Attached as **Exhibit 156** is a true and correct copy of *Searching the web with ChatGPT*, OpenAI Help, https://help.openai.com/en/articles/9237897-chatgpt-search.

158. Attached as **Exhibit 157** is an excerpt of a true and correct copy of the Opening Expert Report of Tom Goldstein, Ph.D., served on April 24, 2026.

159. Attached as **Exhibit 158** is a true and correct copy of *APIs for Developers Series - Bing Search APIs*, Microsoft Bing Blogs (Nov. 29, 2016), also available at https://blogs.bing.com/search-quality-insights/November-2016/apis-for-developers-series-bing-search-apis.

160. Attached as **Exhibit 159** is a true and correct copy of *Which Crawlers Does Bing Use?*, Microsoft Bing, also available at https://www.bing.com/webmasters/help/which-crawlers-does-bing-use-8c184ec0.

161. Attached as **Exhibit 160** is a true and correct copy of *How to create a robots.txt file*, Microsoft Bing, also available at https://www.bing.com/webmasters/help/how-to-create-a-robots-txt-file-cb7c31ec.

162. Attached as **Exhibit 161** is an excerpt of a true and correct copy of the Opening Expert Report of Jessie Stricchiola: The Impact of Defendant's Products on the Search Market for Publishers relating to Case Nos. 1:23-cv-1195 (SHS)(OTW) and 1:24-cv-03285 (SHS)(OTW), served on April 24, 2026.

163. Attached as **Exhibit 162** is an excerpt of a true and correct copy of the transcript of the deposition of Nick Feamster, Ph.D., taken on July 23, 2026.

164. Attached as **Exhibit 163** is an excerpt of a true and correct copy of the Opening Expert Report of Jessie Stricchiola: The Impact of Defendant's Products on the Search Market for Publishers relating to Case No. 1:25-cv-043155 (SHS)(OTW), served on April 24, 2026.

165. Attached as **Exhibit 164** is an excerpt of a true and correct copy of the Corrected Expert Rebuttal Report of Sue Cross, served on July 23, 2026.

166. Attached as **Exhibit 165** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_004641429 to OPCO_MDL_004641430.

167. Attached as **Exhibit 166** is an excerpt of a true and correct copy of the transcript of the deposition of Alexandre Tachard Passos, taken on December 2, 2025.

168. Attached as **Exhibit 167** is a true and correct copy of About /robots.txt, robots.txt.org, also available at https://www.robotstxt.org/robotstxt.html.

169. Attached as **Exhibit 168** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Joseph A. Fortuna, Jr., taken on February 25, 2026.

170. Attached as **Exhibit 169** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of CJ Jacobs, taken on February 12, 2026.

171. Attached as **Exhibit 170** is a true and correct copy of Christopher Olston and Marc Najork, *Web Crawling*, 4 Foundations and Trends in Information Retrieval 175 (2010), also available at https://www.researchgate.net/profile/Bing-Liu-120/publication/225844302_Web_Crawling/links/5472bbec0cf2d67fc035ca2c/Web-Crawling.pdf.

172. Attached as **Exhibit 171** is a true and correct copy of Alberto Cavallo and Roberto Rigobon, *The Billion Prices Project: Using Online Prices for Measurement and Research*, 30 JEP 151 (2016), also available at http://dx.doi.org/10.1257/jep.30.2.151.

173. Attached as **Exhibit 172** is a true and correct copy of Najam Gul et al., *Web Scraper for Data Extraction and Threat Intelligence* (Apr. 10, 2025), also available at http://dx.doi.org/10.2139/ssrn.5218390.

174. Attached as **Exhibit 173** is a true and correct copy of U.S. Bureau of Labor Statistics, *Modernizing Data Collection: APIs & Web Scraping in the Consumer Price Index*, Reginfo.gov (2022), also available at https://www.reginfo.gov/public/do/DownloadDocument?objectID=99146401.

175. Attached as **Exhibit 174** is a true and correct copy of Alpesh Khunt, *How Financial Institutions Use Web Scraping to Detect Fraud and Market Opportunities?*, X-Byte, also available at https://www.xbyte.io/financial-institutions-web-scraping-fraud-market-insights/.

176. Attached as **Exhibit 175** is a true and correct copy of Rachel Shorey and Gautam Hathi, *New York Times Newsroom Developers - nyt-nj-campfin - Scrapers for NJ Campaign Finance Data*, GitHub (Aug. 4, 2017), also available at https://github.com/newsdev/nyt-nj-campfin.

177. Attached as **Exhibit 176** is a true and correct copy of Jeremy Bowers, *New York Times Newsroom Developers - nyt-prb-scraper -A Scraper and Parser for the Periodic Review Secretariat's Web Pages for Guantanamo Detainees*, GitHub (Sept. 15, 2016), also available at https://github.com/newsdev/nyt-prb-scraper.

178. Attached as **Exhibit 177** is a true and correct copy of David Eads, *Chicago Tribune - pandascrapers*, GitHub (Mar. 1, 2013), also available at https://github.com/newsapps/pandascrapers.

179. Attached as **Exhibit 178** is a true and correct copy of Brief for the Reporters Committee for Freedom of the Press et al. as Amici Curiae Supporting Petitioner, *Van Buren v. United States*, No. 19-783 (U.S. July 8, 2020).

180. Attached as **Exhibit 179** is a true and correct copy of Enze Liu et al., *Somesite I Used to Crawl: Awareness, Agency, and Efficacy in Protecting Content Creators from AI Crawlers*, arXiv (Nov. 22, 2024), also available at https://arxiv.org/html/2411.15091v1.

181. Attached as **Exhibit 180** is a true and correct copy of Martijn Koster et al., *RFC 9309 Robots Exclusion Protocol*, Internet Engineering Task Force (Sept. 2022), also available at https://www.rfc-editor.org/rfc/rfc9309.html.

182. Attached as **Exhibit 181** is a true and correct copy of Barry Schwartz, *ChatGPT Bot - You Can Block OpenAI Plugins If You Want*, Search Engine Roundtable (Mar. 29, 2923, 7:21 ET), also available at https://www.seroundtable.com/chatgpt-bot-user-agent-35131.html.

183. Attached as **Exhibit 182** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Monika Bauerlein, taken on January 26, 2026.

184. Attached as **Exhibit 183** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of William Bardeen, taken on February 24, 2026.

185. Attached as **Exhibit 184** is a true and correct copy of excerpts of the transcript of the deposition of Michael Turpin, taken on February 11, 2026.

186. **Exhibit 185** is intentionally omitted.

187. Attached as **Exhibit 186** is a true and correct copy of a document produced in this action by the Ziff Davis Plaintiffs (collectively, "Ziff Davis") with Bates number ZD0096103.

188. Attached as **Exhibit 187** is a true and correct copy of a document produced in this action by Plaintiff The New York Times with Bates number NYT_00199428.

189. Attached as **Exhibit 188** is a true and correct copy of Danny Goodwin, *OpenAI starts testing SearchGPT prototype, here's what it looks like*, Search Engine Land (July 25, 2024), also available at https://searchengineland.com/searchgpt-launches-444399.

190. Attached as **Exhibit 189** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001695873 to OPCO_MDL_001695874.

191. Attached as **Exhibit 190** is a true and correct copy of *Overview of OpenAI Crawlers*, OpenAI Developers, also available at https://developers.openai.com/api/docs/bots.

192. Attached as **Exhibit 191** is a true and correct copy of Michael Kan, *OpenAI Supercharges ChatGPT by Adding Web-Browsing Support*, PC Mag (Mar. 23, 2023), also available at https://www.pcmag.com/news/openai-supercharges-chatgpt-by-adding-web-browsing-support.

193. Attached as **Exhibit 192** is a true and correct copy of Tom Warren, *Bing is not the default search for ChatGPT*, The Verge (May 23, 2023), also available at https://www.theverge.com/2023/5/23/23733189/chatgpt-bing-microsoft-default-search-openai-build.

194. Attached as **Exhibit 193** is a true and correct copy of Thomas Smith, *First Hands-On With ChatGPT Browse; What Can It Do?*, Medium (Mar. 28, 2023), also available at https://medium.com/the-generator/first-hands-on-with-chatgpt-browse-what-can-it-do-20ce9205f02e.

195. Attached as **Exhibit 194** is a true and correct copy of Kyle Wiggers, *OpenAI connects ChatGPT to the internet*, TechCrunch (Mar. 23, 2023), also available at https://techcrunch.com/2023/03/23/openai-connects-chatgpt-to-the-internet/.

196. Attached as **Exhibit 195** is a true and correct copy of Katherine Hamilton, *ChatGPT Will Now Have Access To Real-Time Info From Bing Search*, Forbes (May 23, 2023), also available at

https://www.forbes.com/sites/katherinehamilton/2023/05/23/chatgpt-will-now-have-access-to-real-time-info-from-bing-search-report-says/.

197. Attached as **Exhibit 196** is a true and correct copy of Aaron Mok, *OpenAI is rolling out a game-changing feature to ChatGPT this week that could revolutionize how we use the internet*, Business Insider (May 15, 2023), also available at https://www.businessinsider.com/chatgpt-openai-web-browsing-plug-change-how-we-use-internet-2023-5.

198. Attached as **Exhibit 197** is a true and correct copy of a document produced in this action by The New York Times with Bates numbers NYT_00582829 and NYT_00582831.

199. Attached as **Exhibit 198** is a true and correct copy of a document prepared for and entered as Exhibit 5 during the March 19, 2026 30(b)(6) deposition of Simone Procas.

200. Attached as **Exhibit 199** is a true and correct copy of a document produced in this action by Ziff Davis with Bates numbers ZD0635964 to ZD0635965.

201. Attached as **Exhibit 200** is a true and correct copy of Intercept's robots.txt file, captured on August 27, 2026 and also available at https://theintercept.com/robots.txt.

202. Attached as **Exhibit 201** is an excerpt of a true and correct copy of Intercept's Supplemental Responses to OpenAI OpCo, LLC's Requests for Admission (Nos.17-19), served on December 22, 2025.

203. Attached as **Exhibit 202** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Michael Sherrard, taken on February 12, 2026.

204. Attached as **Exhibit 203** is a true and correct copy of a document produced in this action by Intercept with Bates number INT0000697.

205. Attached as **Exhibit 204** is a true and correct copy of a document produced in this action by the Daily News Plaintiffs with Bates number DNP-00636036.

206. Attached as **Exhibit 205** is a true and correct copy of a February 10, 2026 Wayback Machine capture of Robots.txt, from motherjones.com, also available at https://web.archive.org/web/20260210072242/https://www.motherjones.com/robots.txt.

207. Attached as **Exhibit 206** is a true and correct copy of a February 3, 2026 Wayback Machine capture of Robots.txt, from revealnews.org, also available at https://web.archive.org/web/20260203035806/https://revealnews.org/robots.txt.

208. Attached as **Exhibit 207** is a true and correct copy of a document produced in this action by Ziff Davis with Bates numbers ZD0489324 to ZD0489328.

209. Attached as **Exhibit 208** is a true and correct copy of a document produced in this action by Ziff Davis with Bates numbers ZD0567082 to ZD0567095.

210. Attached as **Exhibit 209** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of CJ Jacobs, taken on February 13, 2026.

211. Attached as **Exhibit 210** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Monika Bauerlein, taken on January 27, 2026.

212. Attached as **Exhibit 211** is an excerpt of a true and correct copy of the Reply Report of Daniel P. Delorey, served on June 26, 2026.

213. Attached as **Exhibit 212** is an excerpt of a true and correct copy of the Supplemental Expert Report of Emily Wenger, Ph.D. (Corrected), served on August 18, 2026.

214. Attached as **Exhibit 213** is a true and correct copy of a document entitled "Updated Summary of Goldstein 'NYT Identified Articles' As Reflected in 2026-07-17 Identified Articles Removals List."

215. Attached as **Exhibit 214** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Hannah Poferl, taken on December 5, 2025.

216. Attached as **Exhibit 215** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of Frank Pine taken on February 5, 2026.

217. Attached as **Exhibit 216** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Madeleine Buckingham, taken on December 19, 2025.

218. Attached as **Exhibit 217** is a true and correct copy of a document produced in this action by the Daily News Plaintiffs with Bates numbers DNP-00535097.

219. Attached as **Exhibit 218** is a true and correct copy of a document entered as Exhibit 8 during the February 20, 2026 30(b)(6) deposition of Rowan Briggs.

220. Attached as **Exhibit 219** is an excerpt of a true and correct copy of the transcript of the deposition of Meredith Kopit Levien, taken on February 19, 2026.

221. Attached as **Exhibit 220** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Michael Sherrard, taken on February 11, 2026.

222. Attached as **Exhibit 221** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of CJ Jacobs, taken on February 13, 2026.

223. Attached as **Exhibit 222** is an excerpt of a true and correct copy of the transcript of the deposition of Vivek Shah, taken on February 26, 2026.

224. Attached as **Exhibit 223** is an excerpt of a true and correct copy of the Expert Rebuttal Report of James Malackowski related to The New York Times and Daily News Plaintiffs, served on May 29, 2026.

225. Attached as **Exhibit 224** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Frank Pine, taken on February 4, 2026.

226. Attached as **Exhibit 225** is an excerpt of a true and correct copy of the transcript of the deposition of Elaine Varvatos, taken on February 25, 2026.

227. Attached as **Exhibit 226** is an excerpt of a true and correct copy of Plaintiff The Chicago Tribune Company, LLC's Responses and Objections to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 11-38), served on December 20, 2024.

228. Attached as **Exhibit 227** is an excerpt of a true and correct copy of Plaintiff Daily News, LP's Responses and Objections to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 11-38), served on December 20, 2024.

229. Attached as **Exhibit 228** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Simone Procas, taken on March 19, 2026.

230. Attached as **Exhibit 229** is an excerpt of a true and correct copy of Plaintiff The New York Times Company's Responses and Objections to OpenAI OpCo, LLC's Second Set of Requests for Admission (Nos. 13-50), served on December 20, 2024.

231. Attached as **Exhibit 230** is an excerpt of a true and correct copy of the transcript of the deposition of Adam Doree, taken on February 20, 2026.

232. Attached as **Exhibit 231** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Lindsay Turrentine, taken on February 19, 2026.

233. Attached as **Exhibit 232** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Rachel Warren, taken on January 16, 2026.

234. Attached as **Exhibit 233** is a true and correct copy of a document produced in this action by CIR with Bates number CIR0003767.

235. **Exhibit 234** is intentionally omitted.

236. Attached as **Exhibit 235** is a true and correct copy of Joe Nguyen, *Colorado snow totals for Oct. 29, 2023*, The Denver Post (Oct. 29, 2023, 7:23 PM), also available at https://www.denverpost.com/2023/10/29/colorado-snow-totals-october-29-weekend/.

237. Attached as **Exhibit 236** is an excerpt of a true and correct copy of the Supplemental Expert Report of Tom Goldstein, Ph.D. Regarding Defendants' Output Logs, served on July 14, 2026.

238. Attached as **Exhibit 237** is an excerpt of a true and correct copy of the Rebuttal Expert Report of Emily Wenger, Ph.D., served May 29, 2026.

239. Attached as **Exhibit 238** is an excerpt of a true and correct copy of the (Corrected) Reply Expert Report of Emily Wenger, Ph.D., served July 20, 2026.

240. Attached as **Exhibit 239** is an excerpt of a true and correct copy of the transcript of the deposition of Emily Wenger, Ph.D., taken on July 21, 2026.

241. Attached as **Exhibit 240** is an excerpt of a true and correct copy of the Reply Expert Report of Tom Goldstein, Ph.D., served on June 26, 2026.

242. Attached as **Exhibit 241** is an excerpt of a true and correct copy of the Rebuttal Report of Daniel P. Delorey, served on May 29, 2026.

243. Attached as **Exhibit 242** is an excerpt of a true and correct copy of the transcript of the deposition of James Malackowski, taken on July 15, 2026.

244. Attached as **Exhibit 243** is an excerpt of a true and correct copy of the transcript of the deposition of Emily Bell, taken on July 17, 2026.

245. Attached as **Exhibit 244** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Hannah Yang, taken on February 27, 2026.

246. Attached as **Exhibit 245** is an excerpt of a true and correct copy of the transcript of the deposition of Camilla Velasquez, taken on December 9, 2025.

247. Attached as **Exhibit 246** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of William Bardeen, taken on February 24, 2026.

248. Attached as **Exhibit 247** is an excerpt of a true and correct copy of the transcript of the deposition of Taylor Owen, Ph.D., taken on July 31, 2026.

249. Attached as **Exhibit 248** is an excerpt of a true and correct copy of the transcript of the deposition of Mitch Pugh, taken on January 7, 2026.

250. Attached as **Exhibit 249** is an excerpt of a true and correct copy of the transcript of the deposition of Keith Waehrer, Ph.D., taken on July 28, 2026.

251. Attached as **Exhibit 250** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Joseph A. Fortuna, Jr., taken on February 25, 2026.

252. Attached as **Exhibit 251** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Bret Richter, taken on February 6, 2026.

253. Attached as **Exhibit 252** is an excerpt of a true and correct copy of the Expert Rebuttal Report of Michael B. McDonald IV, Ph.D., served on May 29, 2026.

254. Attached as **Exhibit 253** is an excerpt of a true and correct copy of the transcript of the deposition of Michael B. McDonald IV, Ph.D., taken on July 14, 2026.

255. Attached as **Exhibit 254** is an excerpt of a true and correct copy of the transcript of the deposition of Sue Cross, taken on July 27, 2026.

256. Attached as **Exhibit 255** is an excerpt of a true and correct copy of the transcript of the deposition of Jessie Stricchiola, taken on July 30, 2026.

257. Attached as **Exhibit 256** is a true and correct copy of excerpts of the transcript of the deposition of Alexandra Hardiman taken on October 24, 2025.

258. Attached as **Exhibit 257** is a true and correct copy of The New York Times Company's Form 10-K for the fiscal year ended December 31, 2025.

259. Attached as **Exhibit 258** is a true and correct copy of The New York Times Company's Form 10-K for the fiscal year ended December 27, 2020.

260. Attached as **Exhibit 259** is a true and correct copy of The New York Times Company Fourth Quarter 2021 Earnings Conference Call, dated February 2, 2022, also available at https://nytco-assets.nytimes.com/2022/02/Q4-2021-Earnings-Prepared-Remarks-V2.pdf.

261. Attached as **Exhibit 260** is a true and correct copy of Ziff Davis, Inc.'s Form 10-K for the fiscal year ended December 31, 2025.

262. Attached as **Exhibit 261** is an excerpt of a true and correct copy of Ziff Davis, Inc.'s Form 10-K for the fiscal year ended December 31, 2024, produced by Ziff Davis with Bates numbers ZD0534639 to ZD0534789.

263. Attached as **Exhibit 262** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of Karen Oh ,taken on February 24, 2026.

264. Attached as **Exhibit 263** is a true and correct copy of a document produced in this action by Intercept with Bates numbers INT0008097 to INT0008109.

265. Attached as **Exhibit 264** is a true and correct copy of a document produced in this action by Intercept with Bates numbers INT0223420 to INT0223441.

266. Attached as **Exhibit 265** is a true and correct copy of a document produced in this action by Intercept with Bates numbers INT0017401 to INT0017404.

267. Attached as **Exhibit 266** is a true and correct copy of The Intercept Media Inc.'s Form 990 for the calendar year 2024.

268. Attached as **Exhibit 267** is a true and correct copy of The Intercept Media Inc.'s Form 990 for the calendar year 2023.

269. Attached as **Exhibit 268** is a true and correct copy of The Center for Investigative Reporting's Form 990 for the calendar year 2025.

270. Attached as **Exhibit 269** is a true and correct copy of The Center for Investigative Reporting's Form 990 for the tax year beginning July 1, 2024 and ending December 31, 2024.

271. Attached as **Exhibit 270** is a true and correct copy of The Center for Investigative Reporting's Form 990 for the tax year beginning July 1, 2023 and ending June 30, 2024.

272. Attached as **Exhibit 271** is a true and correct copy of a document produced in this action by Plaintiff The Center for Investigative Reporting ("CIR") with Bates numbers CIR0679028 to CIR0679029.

273. Attached as **Exhibit 272** is a true and correct copy of excerpts of Plaintiff The New York Times Company's Responses and Objections to OpenAI OpCo, LLC's Fifth Set of Requests for Admission (Nos. 126-223), served on September 29, 2025.

274. Attached as **Exhibit 273** is a true and correct copy of excerpts of Plaintiff The New York Times Company's Responses and Objections to OpenAI OpCo, LLC's Fourth Set of Requests for Admission (Nos. 81-125), served on July 18, 2025.

275. Attached as **Exhibit 274** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of Zach Seward, taken on November 7, 2025.

276. Attached as **Exhibit 275** is a true and correct copy of a document produced in this action by CIR with Bates numbers CIR0702389 to CIR0702390.

277. Attached as **Exhibit 276** is a true and correct copy of Alexia Fernández Campbell et al., *40 Acres and a Lie*, Mother Jones, also available at https://www.motherjones.com/politics/2024/06/40-acres-and-a-lie/.

278. Attached as **Exhibit 277** is a true and correct copy of excerpts of the transcript of the deposition of Rowan Briggs, taken on February 20, 2026.

279. Attached as **Exhibit 278** is a true and correct copy of a document produced in this action by the Daily News Plaintiffs with Bates numbers DNP-00534691 to DNP-00534721.

280. Attached as **Exhibit 279** is a true and correct copy of a document produced in this action by the Daily News Plaintiffs with Bates numbers DNP-00019569 to DNP-00019580.

281. Attached as **Exhibit 280** is a true and correct copy of a document produced in this action by Ziff Davis with Bates numbers ZD0094237 to ZD0094241.

282. Attached as **Exhibit 281** is an excerpt of a true and correct copy of a document produced in this action by Ziff Davis with Bates number ZD0270205.

283. Attached as **Exhibit 282** is a true and correct copy of a document produced in this action by Ziff Davis with Bates numbers ZD0008629 to ZD0008637.

284. Attached as **Exhibit 283** is a true and correct copy of excerpts of the transcript of the 30(b)(6) deposition of Robert Parisi taken on February 26, 2026.

285. **Exhibit 284** is intentionally omitted.

286. Attached as **Exhibit 285** is a true and correct copy of a document produced in this action by Intercept with Bates numbers INT0000802 to INT0000803.

287. Attached as **Exhibit 286** is a true and correct copy of a document produced in this action by The New York Times with Bates number NYT_01067735.

288. Attached as **Exhibit 287** is a true and correct copy of a document produced in this action by The New York Times with Bates numbers NYT_01066151 to NYT_01066154.

289. Attached as **Exhibit 288** is a true and correct copy of a document produced in this action by The New York Times with Bates number NYT_01061642.

290. Attached as **Exhibit 289** is a true and correct copy of a document produced in this action by The New York Times with Bates numbers NYT_01062157 to NYT_01062160.

291. Attached as **Exhibit 290** is a true and correct copy of a document produced in this action by The New York Times with Bates number NYT_01062602.

292. Attached as **Exhibit 291** is a true and correct copy of a document produced in this action by The New York Times with Bates number NYT_01061142.

293. Attached as **Exhibit 292** is a true and correct copy of a document produced in this action by The New York Times with Bates number NYT_01063055.

294. **Exhibit 293** is intentionally omitted.

295. Attached as **Exhibit 294** is a true and correct copy of a document produced in this action by The New York Times with Bates numbers NYT_01066891 to NYT_01066901.

296. Attached as **Exhibit 295** is a true and correct copy of a document produced in this action by The New York Times with Bates numbers NYT_00726497 to NYT_00726498.

297. Attached as **Exhibit 296** is a true and correct copy of excerpts of Plaintiff The New York Times Company's Responses and Objections to OpenAI OpCo, LLC's Third Set of Requests for Admission (Nos.48-80), served on April 30, 2025.

298. **Exhibit 297** is intentionally omitted.

299. Attached as **Exhibit 298** is a true and correct copy of a document produced in this action by The New York Times with Bates numbers NYT_00871485 to NYT_00871527.

300. Attached as **Exhibit 299** is a true and correct copy of a document produced in this action by Intercept with Bates numbers INT0216064 to INT0216066.

301. Attached as **Exhibit 300** is a true and correct copy of The Mercury News article entitled "'Catching Fire, 'Frozen' break box office records," dated December 1, 2013, by Jessica Herdnon and Associated Press, available at https://www.mercurynews.com/2013/12/01/catching-fire-frozen-break-box-office-records/?clearUserState=true.

302. Attached as **Exhibit 301** is a true and correct copy of The Mercury News article entitled "Taylor Swift is youngest to win Entertainer of the Year," by the Associated Press, dated November 12, 2009.

303. Attached as **Exhibit 302** is a true and correct copy of an Orlando Sentinel article entitled "Germans regret killing of wild bear in Bavaria," dated June 29, 2006.

304. Attached as **Exhibit 303** is a true and correct copy of Katie Robertson, *The New York Times's Revenue Rises 11% as Costs Increase*, The New York Times (Aug. 5, 2026), also available at https://www.nytimes.com/2026/08/05/business/media/new-york-times-earnings-q2.html.

305. Attached as **Exhibit 304** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Christine Mattheis, taken on January 26, 2026.

306. Attached as **Exhibit 305** is an excerpt of a true and correct copy of the transcript of the deposition of Sam Dolnick, taken on February 18, 2026.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 4th day of September, 2026, at Monterey, California.



Joseph C. Gratz