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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

IN RE:	25-MD-3143 (SHS) (OTW)
OPENAI	
COPYRIGHT INFRINGEMENT	**STATEMENT OF INTEREST OF CITIZENS OF THE**
This Document Relates To:	**UNITED STATES & THE U.S. CONSTITUTION**
All Matters	

Ken Gryder appears pursuant to the protection of the U.S. Constitution's Article 1, Section 8

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Disclaimer: NO part of this document has been created, edited or spell checked using AI.

Petitioner does not and will NOT open an AI account or use it at any time.

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1. THE INTEREST OF THE CONSTITUTION AND THE CITIZENS OF THE UNITED STATES

This petitioner before the court is on the precipice of publishing his first book at 61 years of age, not unlike the Kentucky Colonel who started and authored, late in life, a "recipe" that has today become the well-known multi-billion-dollar fast food chain. On the shallow end, indeed, this is somewhat a preemptive, personal statement for the protection of the work invested in this book writing but that by no means is the true motivation. Gryder began research on universal, canonical definitions of creativity, invention and innovation, decades ago after reading an article in the Journal of Business Venturing the following 2 lines:

"Invention is an act of insight"

"Innovation is an act of skill"

It was very evident that these were incomplete but Gryder fixed this by further pondering and research in a draft book with a chapter on education. Attending the "Accelerating Innovation" meeting in 2005 at the National Academies of Science in Washington, a conversation with a professor from UNC caused Gryder to digress from that work, taking the education chapter and thinking that a quick book could be published but years of reading and in particular asking the question, "Where did testing come from?" (a 2-year dive) caused the education book to balloon to 800 pages, 1100 references via 10,000 pages of background

reading, yielding as a byproduct, a deep, longitudinal understanding of knowledge from the Renaissance forward and to some degree, even from Greco-Roman times. The three books that are the pillars for this understanding are The Printing Press as an Agent of Change (Eisenstein), Lost Libraries (Raven) and A Philosophy of Intellectual Property (Drahos). This and 2 years of EE schooling (vectors, linear algebra, SQL) along with 20 years of IT work in the DC/NOVA region, provide a one-of-a-kind understanding of Artificial Intelligence and in particular LLM's. The business degree provides one last part of this foundation.

This petitioner is now going to briefly explain how LLM's really work and the show the **frauds on the court** being perpetrated by OpenAI (et al) and the DOJ of the United States.

DEFINITIONS, TRUTH AND MOTIVES ARE CRITICAL TO THIS CASE.

2. HOW LLMS WORK

A. Scraping tools are used to take copyrighted works from any place on the Internet or by the spine removal, scanning and then destruction of printed books.

The **federal government** defines "copyright" in the following manner:

https://www.copyright.gov/engage/writers/

"**Copyright protection exists from the moment an original work is 'fixed' in a tangible medium**. For writers, fixation occurs when your ideas are written down on paper or typed using a computer, for example. **You don't need to do anything else for your work to be protected by copyright."**

B. These scraped collections are sent to Africa to be tagged by English as second language learners for as low as $16 per day.

https://www.forbes.com/sites/korihale/2019/05/28/google-microsoft-banking-on-africas-ai-labeling-workforce/

C. During the encoding process, **word fragments** are converted into numerical tokens. When this is done, ALL meaning and semantics are stripped away and the rest of AI….. is pure mathematics.

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https://cloud.google.com/vertex-ai/generative-ai/docs/learn/prompts/adjust-parameter-values

https://help.openai.com/en/articles/4936856-what-are-tokens-and-how-to-count-them

D. Digitally speaking, because these are standard computers, decimal numbered tokens representing fragments of words are down converted to binary, zeros and ones.

E. Mathematically, for the purpose of using the "transformer" or "back propagation" method to "align" the eventual outputs of LLM's to the users, they are put into vectors and these vectors are aligned by "proximity" and by regression methods in a mathematical hyperplane. In simpler terms, imagine dots in a scatter graph and the "losses" above and below the regression line sloping to the right. The goal is to ignore the "tails" or "outliers", namely words that are NOT likely to follow another in an output and, to "train" the LLM to assign weights or parameters to those that will follow based on the "back propagation" function of the "transformer" of LLM's.

Example:

The LLM has been asked by a prompt to create a simple sentence using "going to", a father and food. One possible output might be:

"The father is going to _____"

The LLM in the parameter column will then have a list of words and the most likely one (statistically from the least "loss" from the regression or "alignment"), will be the output.

Thus, the likely, next word outputs would be:

- the grocery store
- Pizza Hut
- McDonald's and so on

Less likely outputs (outliers) might be:

- the next-door neighbor (who happens to be grilling right now)
- the local food pantry (due to poverty)
- Peter Luger's Steakhouse NYC

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Every word outputted by an LLM in this discussion on AI, follows this method with no exceptions. Hence the following is true:

i. There are NO words stored in an LLM. There are only vectors and parameters in binary format.

ii. The training materials are "kept" without any payment to the authors.

iii. The guessing algorithm, known as a "roulette wheel" is governed in "accuracy" in some measure by "temperature" whereby a tight number will get closer to some "right" or "aligned" answer because of forward/backward propagation training, but will be so constrained that it cannot handle any sudden or "zero shot" prompts outside of its tight scope which results in something called "model collapse". Simply put, the "bell" in this case, is the narrow band of answers, very close to the regression line and the tail removal is very broad. Conversely if the "temperature" setting is loose, then then the outliers show up in the parameter column as possible outputs to the user, thus being less aligned to the "likely" semantic response from the transformer "training" and beginning the march towards maximum "slop" and "hallucinations". **Hallucinations are a feature, not a bug**, because of the intrinsic nature of this **guessing algorithm** which strikes directly at the utility of the ENTIRE question of LLM's and in particular, immediately negating "intelligence" (see Webster's definition) and the frauds: AGI or ASI.

iv. This is where the books on libraries, the printing press and intellectual property are most relevant and will not be explained both because of brevity requirements and because Gryder is writing a book on why AI is the single greatest fraud in human history, applying the full weight of essentially 3 books into one and the decades of reading and research on those other topics, directly germane to this topic.

F. Petitioner Gryder very highly recommends that all parties including the Federal Court of New York, watch these 2 videos to gain a deeper understanding of how LLM's work:

YouTube: 3blue1brown (Grant Sanderson) **Large Language Models explained briefly**
YouTube: 3blue1brown (Grant Sanderson) **Transformers, the tech behind LLMs | Deep Learning**
Chapter 5 (especially at the 20-minute mark and the part on parameters/prediction)

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3. A BRIEF HISTORICAL REVIEW OF PROPERTY

A. Property (and Drahos' book is very relevant to this question), requires 2 factors, measurements and limits. The Historian Flavius Jospephus, in his work, The Antiquities of the Jews, informs us that it was Cain, after he killed his brother, that was the "author of weights and measures". LLM parameters are statistical "weights" which is why this entire discussion of "intelligence" is NOT rooted in Webster's definition of "understanding", since binary numbers and vectors cannot understand ANY of the 7000+ languages in the world, but instead is rooted in the limits of statistical "weights" called parameters. All of this finds its roots in psychology and ITS definition of "limits", ranking and sorting (like the Bell curve) and statistics. AI is the child of psychology and thus has NOTHING to do with knowledge which is what is protected in the US Constitution. This is, as the GMAT once tested on, a massive "shift of scope" fallacy.

Simply stated, **the Constitution protects knowledge and not "intelligence".**

AI at its root is "guessing".

Intellectual property protects something that you "know" hence exclusivity, authorship and ownership across copyright, trademark, patents and trade secrets. This case is about all of them at once.

Further, just as Cain created limits, Israel's adoption of an earthly king instead of God being king in 1 Samuel 8, introduces the seizure, by the king, of property which has, and continues to color both the Catholic church (think Martin Luther and Fugger) and most of the European nations. (think Richard Henry Lee and his declaration) This matters because the United States began with clause 39 of the Magna Carta regarding "due process" which is about property.

Further enhancements prior to Madison include John Locke who said in his second Treatise:

"Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property.*"

This follows closely with the previous copyright.gov statement:

Copyright protection exists from the moment an original work is 'fixed' in a tangible medium.

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Moving along we find the Statute of Anne, controlled by none other than the king. Madison, who studied in England, surely encountered these two facts during his time there, thus laying the foundations for copyright, trademark and patents.

Indeed, one court has negated the labor factor (but on an unrelated point to this discussion) in intellectual property but again the copyright division of the federal government says:

"Copyright is a type of intellectual property that protects **original works of authorship** as soon as an author **fixes** the work in a **tangible form of expression**."

https://www.copyright.gov/what-is-copyright/

Further, the Perlmutter case requires a person to be the cause of the "originality" and not some "roulette wheel" based algorithm.

4. THE PROBLEM WITH MONETARY REWARDS

A. The DOJ in its amicus on pages 1-2 states that:

"…collective rights systems for rights holders (while suggesting that such legislation should not address when or whether such licensing is required), establishing a federal framework for protecting individuals from the unauthorized distribution or commercial use of AI-generated digital replicas of their identifiable attributes, and monitoring the development of copyright law to evaluate whether additional legislation is needed."

The LOC/copyright section and the PTO both require in the general sense, something called "authorship".

AI companies take the works of others and ridiculously claim authorship AND protections for their own training sets, algorithms and parameters. The hypocrisy is stunning. Even the EU is now requiring watermarks for AI generated materials which is turning away businesses and students because they cannot claim the AI outputs of their own……..because of authorship. Customers will not pay and schools will not give credit.

There is no such thing as "collective" credit in authorship in copyright, trademarks and patents. All of these, by recordation and management by the referees (LOC, PTO, WIPRO), are rights of **EXCLUSIVITY**, given for a set period of time and are the direct descendant of Locke's words on property.

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For abstractions and deeper thoughts on this matter, again Drahos' book is an excellent resource.

Again however, on this matter of "collective revenue", India has taken similar stance saying:

"The MBL framework proposes to eliminate the need for AI companies to individually negotiate licenses with millions of copyright holders for every piece of data used to train their models. Instead, it envisages a central, collective licensing body—likely an expansion of existing Copyright Societies—that would grant a single, mandatory, non-negotiable license covering all copyrighted works in India for the sole purpose of AI training. In exchange, AI companies would pay a pre-determined, standardized royalty fee into a central pool, which would then be distributed to the original creators based on usage metrics."

https://recordoflaw.in/the-ai-mandate-indias-new-blanket-licensing-framework/

This is no different than the recent update to National Defense law in communist China where:

"China will have immediate unfettered access to relevant civilian physical and human resources"

https://www.defensenews.com/global/asia-pacific/2026/09/14/china-changes-law-to-mobilize-all-resources-in-case-of-conflict-should-neighbors-worry/

OpenAI and its competitors believe that they should have a communist level **ownership** of everyone's intellectual property. For certain minds, this seems like hyperbole but we shall proceed, to their own words for visible proof.

5. FRAUD ON THE COURT

A. All of the AI companies admit on their terms pages that their output is NOT reliable. In the rest of this world, we have product liability, warranties and recalls for issues seen below. AI creators could possibly say the have a prototype for some purpose in the future but they do NOT have an actual product.

"AI services are fallible and probabilistic." – **MS Copilot**
https://learn.microsoft.com/en-us/microsoft-365/copilot/microsoft-365-copilot-application-card

"Hallucination is a pervasive failure mode in language models…" - **Meta**
ai.meta.com/static-resource/muse-spark-safety-and-preparedness-report/

"Generated Output is not designed for or intended to meet Customer's regulatory, legal, or other obligations, or to be used, or **relied upon**, as a substitute for medical, legal, financial, or other professional advice." - Google

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https://workspace.google.com/terms/service-terms/

"You should not rely on Output from our Services as a sole source of truth or factual information…… You **must not use any Output** relating to a person for any purpose that could have a legal or material impact on that person…." **OpenAI**

https://openai.com/policies/row-terms-of-use/

B. The word "Transformative" is a made-up word for the convenience of people who have a "trillion dollar" agenda and is repeated by same people who are often college dropouts with ZERO subject matter expertise in this topic before the court. The DOJ writes on page 10 of its brief:

"The more the appropriator is using the copied material for new, transformative purposes, the more it serves copyright's goal of enriching public knowledge and the less likely it is that the appropriation will serve as a substitute for the original or its plausible derivatives, shrinking the protected market opportunities of the copyrighted work."

This is both a lie and a non-sequitur.

- LLM's do not cite the source of their materials as is required in every plagiarism statement, anywhere which means that "appropriation" via scraping and vectors for their "transformation" (back propagation – reworded), CANNOT "enrich public knowledge" because as seen in nearby cases both here and abroad, authors are being denied clicks to their pages due to Google's "AI" redirecting visitors to their summaries and away from the authors and thus, the authorities of any copyrighted work (copyright.gov definition aforementioned) on the Internet.
- What exactly in legal terms does "transformative purposes" mean? This follows the key word use by the same people who repetitiously say, "danger", "super", "ground truth", "rogue" and other words or sentences. Court precedent on this word is equally meaningless.
- Numerical guesses (tokens) taken from fragments of words also CANNOT "enrich public knowledge" and this is one of the key reasons this amicus is being written. The vast majority of people do NOT know how LLM's work. Ignorance has no place in jurisprudence because of stare descisis/precedent and the need for definitions. This is also precisely why AI generated materials CANNOT get copyright because they are NOT original works both in terms of stealing from authors but also because of the mathematical "salad" algorithm as well. The prompt to output process, because of the intrinsic randomness, mirrors Steve Martin's "Guess your weight

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and win some crap" as the carnival barker in The Jerk. Again, hallucinations are a feature, not a bug and Courts are not amused by this:

https://www.damiencharlotin.com/hallucinations/

C. Fair Use

Copying someone's work wholesale is not fair use. What you do with it after you've copied it is not relevant because the foundation of property has been violated.

- A multitude of lawsuits against the Chinese have been won by stating that facsimiles of brands, are infringement on companies' intellectual property rights and in China no less.
- Copying someone's movie DVD or software brings about the potential for 5 years in jail and $250,000 in fines. 17 U.S.C. 506(a) And 18 U.S.C 2319 (notably absent from the DOJ's amicus)
- Plagiarism in peer review and academics results in a variety of punishments from grade school to careers. The "Honor Pledge" will have no meaning if there is no definition of both "work" and "property". The words "product" and "production" lose all meaning.
- The motivation for creating original works is not merely diminished but erased as Tristan Buckmaster recently points out with enormous implications for fundamental science: https://www.abc.net.au/news/2026-09-11/racing-to-solve-maths-problems-pointless-tristan-buckmaster-says/107141628
- Patent examiners, all intellectual property fees, all case law and ALL intellectual property enforcement becomes moot if this is allowed. Property ceases to exist when it's not protected and communism or total anarchy (Europe) follows. Even squatters' "rights" are part of this total discussion. Aristotle spoke to this in Parts 7 and 8 of his Treatise on "Politics" saying:

"…oligarchy is when men of property have the government in their hands."

- Flavious Josephus further states about Cain, "whereas they lived innocently and generously while they knew nothing of such arts, he changed the world into cunning craftiness. He first of all set boundaries about lands …." Hence, we can beeline connect Drahos and Cain in the discussion of property by weights, limits and boundaries.

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D. How did they get the raw materials?

This is where the dishonesty hits an incredible level. In some places there is the untenable analogy that the "Wayback Machine" and the scraping by AI people are somehow "co-equals". The Wayback Machine is an archive. Nothing is being done to the copyrighted materials whatsoever. Aside from AI companies taking property with no compensation or permission, **it's being done without the owner's knowledge.** Bright Data on its own page explains how to get around site protections in order to take anyone's intellectual property:

https://brightdata.com/blog/web-data/anti-scraping-techniques

https://brightdata.com/blog/web-data/web-scraping-without-getting-blocked

Notice the nefarious nature of their statements on their face:

"Anti-scraping techniques"

"Scraping without getting blocked"

If you tried this with Warner Brothers or Sony videos, you would eventually go to jail and in copying DVD's or copying people's materials wholesale, the damage is the same.

However, the evil does not stop there. One of Bright Data's techniques includes:

"Rotate Your IP Addresses with Proxies"

https://brightdata.com/blog/web-data/web-scraping-without-getting-blocked

Where then, do they get their IP addresses? That comes from the IoT world or "Internet of Things" starting with YOUR television set:

Bright Data states:

"Proxy Ips -Connect through 400M+ premium proxy IPs across 195 countries with city, state, and ZIP code level targeting."

https://brightdata.com/locations

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Critical Point

Bright Data scrapes PETABYTES of materials which are fed to companies in Africa with ESL speakers for labeling (clearly not SME's or authoritative) however, IP owners resist this which is why Bright Data has the methods outlined in two places on their site as to how to GET AROUND IP PROTECTIONS.

OpenAI, Sama, Mercor and Meta are all in California.

Why then does Bright Data have 400M Ips?

They have them because, (not using TOR or VPNs):

https://scrapingant.com/blog/iot-device-discovery-via-scraping-mapping-the-public-attack

"ScrapingAnt (available at https://scrapingant.com) is particularly well aligned with the requirements of IoT-focused scraping pipelines. Its crucial capabilities include:

3.1.1 Rotating Proxies and IP Reputation Management

Public-facing interfaces of IoT vendors (e.g., cloud dashboards, support portals, or auto-discovery utilities) **may:**

- Rate-limit or block repeated requests from the same IP.
- Block data center IP ranges often associated with scanning.
- Enforce basic geo-based restrictions."

Where do they get these IPs?

One source is LG televisions who claimed took action against this in July:

https://krebsonsecurity.com/2026/07/lg-to-ban-residential-proxies-from-smart-tv-apps/

The YouTube Channel Gamer's Nexus even forced a statement from LG on this in September 2026 via these 2 videos:

https://www.youtube.com/watch?v=6IFVTcM28KA

https://www.youtube.com/watch?v=w5KnFmKjFTA

LG did not address the question:

https://www.lg.com/global/newsroom/news/statements/statement-understanding-privacy-on-lg-smart-tvs/

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Gamer's Nexus responded with proof of data:

https://www.youtube.com/watch?v=ToP9xfLDSME

Simply stated to the court, if you are rotating IP addresses that are assigned to IoT devices like cameras and televisions and you are using techniques to get around IP protections on sites in order to scrape other people's property for the purpose of this "transformative technology", you are, in IT parlance, a "black hat" hacker. This is not a school class to learn and it's not contracted "pen testing". It is hacking on behalf of the AI companies.

E. The Threats

Threats are being made if compliance is not followed. First there is Altman in 2023 saying

"I can imagine all these ways that it breaks capitalism."

https://fortune.com/2023/02/03/openai-sam-altman-chatgpt-break-capitalism/

September 3, 2026 he says:

"I think it is non-negotiable that you have to use it"

Trump has said:

"Communities that don't embrace them will 'end up being backwards and poor'."

F. Trump's involvement

China Uncensored pointed out that Trump's children stand to benefit from Chinese connections via their Stablecoin efforts and Worldclaw/World router which would accept Stablecoin payments for AI tokens that are used within the catalog of open and closed LLM's in Worldclaw, a Hong Kong company:

https://www.youtube.com/watch?v=Jku6hknlF8k

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6. CONCLUSIONS

This petitioner is working on a book as to why AI will never work, covering far more topics than just intellectual property. Thousands of pages have been read on a range of topics. This is just a keyhole.

The attacks being made by these thieves, undermine the cornerstone of Western society which is the protection of property and given that Kremen vs Network solutions (9th circuit) established that a domain name (abstract object – Drahos) is "property", we lack no legal ground for the protection of ALL IP rights and not just in this very narrow New York Times case. Definitions, truth and precedent matter. Thus, as an American, this petitioner requests the court find in favor of the NY times so that we may once again, enjoy the **individual, NOT collective, fruits of our labor**, apart from this AI which is in fact, **the greatest fraud in human history.** Petitioner is a J6er who did NOT go to the Capitol and who did NOT vote in 2016 or 2024.

Objectivity is not hard and neither is the truth.

Submitted by

Ken Gryder, American citizen – "attorney pro se" and "self-declared AI SME"

("expert status" only attaches when greater than 50 miles from home.) (Ed Meese)

PO Box 414 Garrisonville, Va 22463

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Filed in pauperis (living in a hotel on food stamps and unemployment)

September 17, 2026

Certificate of service:

This has been mailed to OpenAI and the DOJ DC:

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SAN FRANCISCO CALIFORNIA 94110

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