

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,
COPYRIGHT INFRINGEMENT LITIGATION

25-md-3143 (SHS) (OTW)

Hon. Sidney H. Stein
Hon. Ona T. Wang

This Document Relates To:

No. 1:23-cv-11195 (SHS) (OTW)
No. 1:24-cv-01515 (SHS) (OTW)
No. 1:24-cv-03285 (SHS) (OTW)
No. 1:24-cv-04872 (SHS) (OTW)
No. 1:25-cv-04315 (SHS) (OTW)

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF OPENAI'S MOTION
FOR SUMMARY JUDGMENT**

OpenAI respectfully notifies the Court of supplemental authority in support of its Motion for Summary Judgment (ECF No. 1712). The supplemental authority is a recent published opinion issued by the United States Court of Appeals for the Ninth Circuit in *Doe v. Github, Inc.*, Case: 24-7700, D.C. No. 4:22-cv-06823-JST, Docket Entry 126. A true copy is annexed hereto as Exhibit A.

Respectfully submitted,

Dated: October 1, 2026

/s/ Edward A. Bayley¹

KEKER, VAN NEST & PETERS LLP

Robert A. Van Nest (*pro hac vice*)

rvannest@keker.com

R. James Slaughter (*pro hac vice*)

rslaughter@keker.com

Paven Malhotra

pmalhotra@keker.com

Michelle S. Ybarra (*pro hac vice*)

mybarra@keker.com

Edward A. Bayley (*pro hac vice*)

ebayley@keker.com

633 Battery St.

San Francisco, CA 94111

Telephone: 415.391.5400

/s/ Caitlin S. Blythe

MORRISON & FOERSTER LLP

Joseph C. Gratz (*pro hac vice*)

jgratz@mofo.com

Tiffany Cheung (*pro hac vice*)

tcheung@mofo.com

Caitlin Sinclair Blythe (*pro hac vice*)

cblythe@mofo.com

425 Market Street

San Francisco, CA 94105

Telephone: 415.268.7000

/s/ Allison Blanco

LATHAM & WATKINS LLP

¹ All parties whose electronic signatures are included herein have consented to the filing of this document, as contemplated by Rule 8.5(b) of the Court's ECF Rules and Instructions.

Andrew M. Gass (*pro hac vice*)
andrew.gass@lw.com
San Francisco, CA 94111
Telephone: 415.391.0600

Sarang V. Damle
sy.damle@lw.com
Luke A. Budiardjo
luke.budiardjo@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: 212.906.1200

Elana Nightingale Dawson (*pro hac vice*)
elana.nightingaledawson@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200

Allison Blanco (*pro hac vice*)
allison.blanco@lw.com
Latham & Watkins
650 Town Center Drive
Suite 2000
Costa Mesa, CA 92626
Telephone: 714.540.1235

Attorneys for OpenAI