UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This document relates to: Case No. 1:23-cv-08292-SHS-OTW Case No. 1:23-cv-10211-SHS-OTW	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang HIGHLIGHTED—SEALED VERSION

CLASS PLAINTIFFS' COUNTERSTATEMENT OF MATERIAL FACTS IN OPPOSITION TO MICROSOFT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York, David Baldacci, Taylor Branch, Michael Connelly, Sylvia Day, Jonathan Franzen, Christopher Golden, Andrew Sean Greer, John Grisham, David Henry Hwang, Matthew Klam, George R.R. Martin, Jodi Picoult, Stacy Schiff, James Shapiro, The Authors Guild, Belfry Holdings, Inc., Columbus Rose, Ltd., Daring Greatly Corporation, Gattopardo, LLC, Hieronymus, Inc., Sylvia Day LLC, and Wo & Shade LLC (collectively, "Class Plaintiffs") respectfully submit this counterstatement of material facts in opposition to Microsoft's Motion for Summary Judgment.

A. 2016 to 2018: The Early Days of the OpenAI-Microsoft Relationship

[redacted]

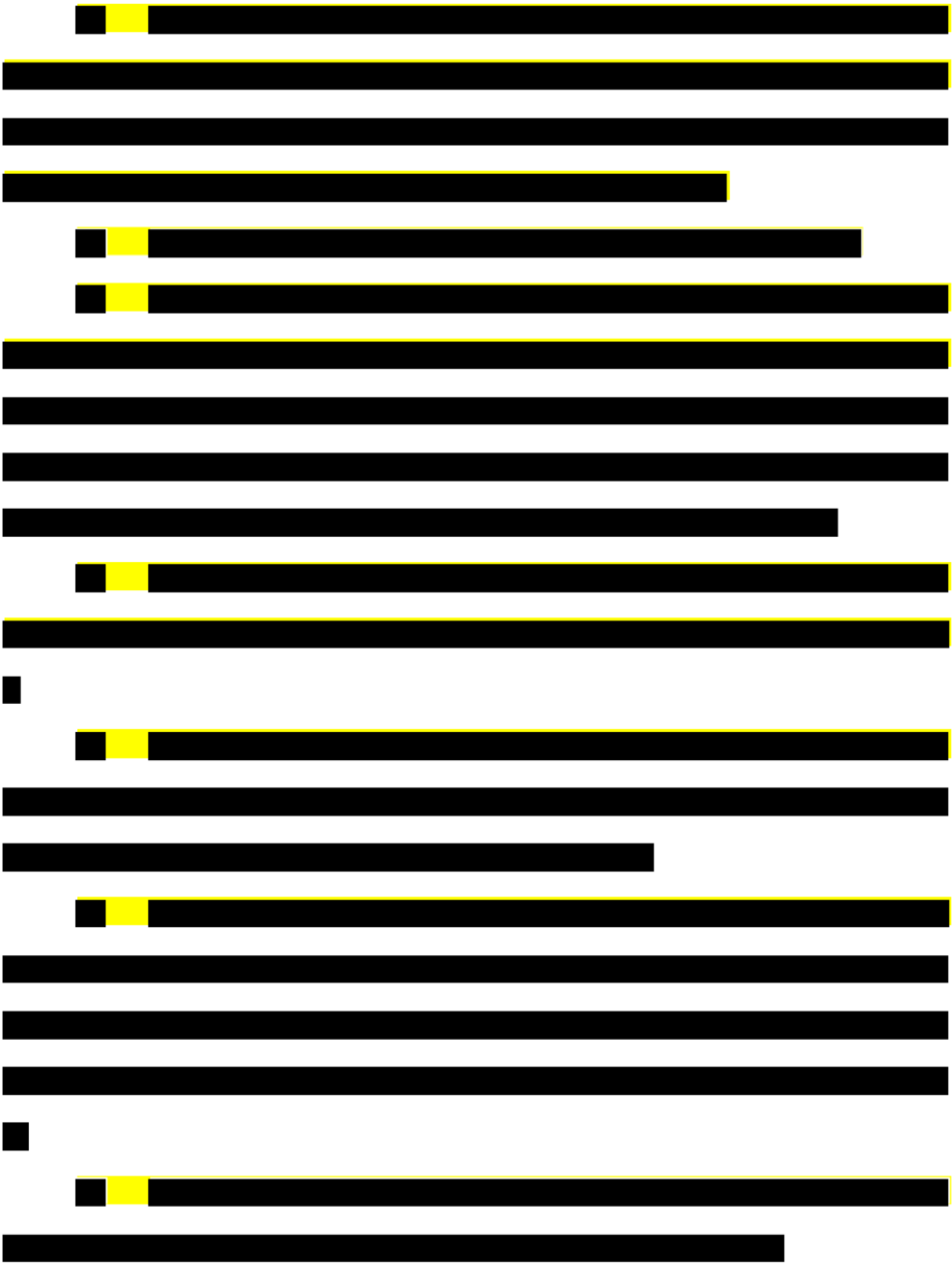
6. In 2014, Google acquired DeepMind, an AI startup that aimed "to develop computers that think like humans." Nelson Decl. Ex. 853.

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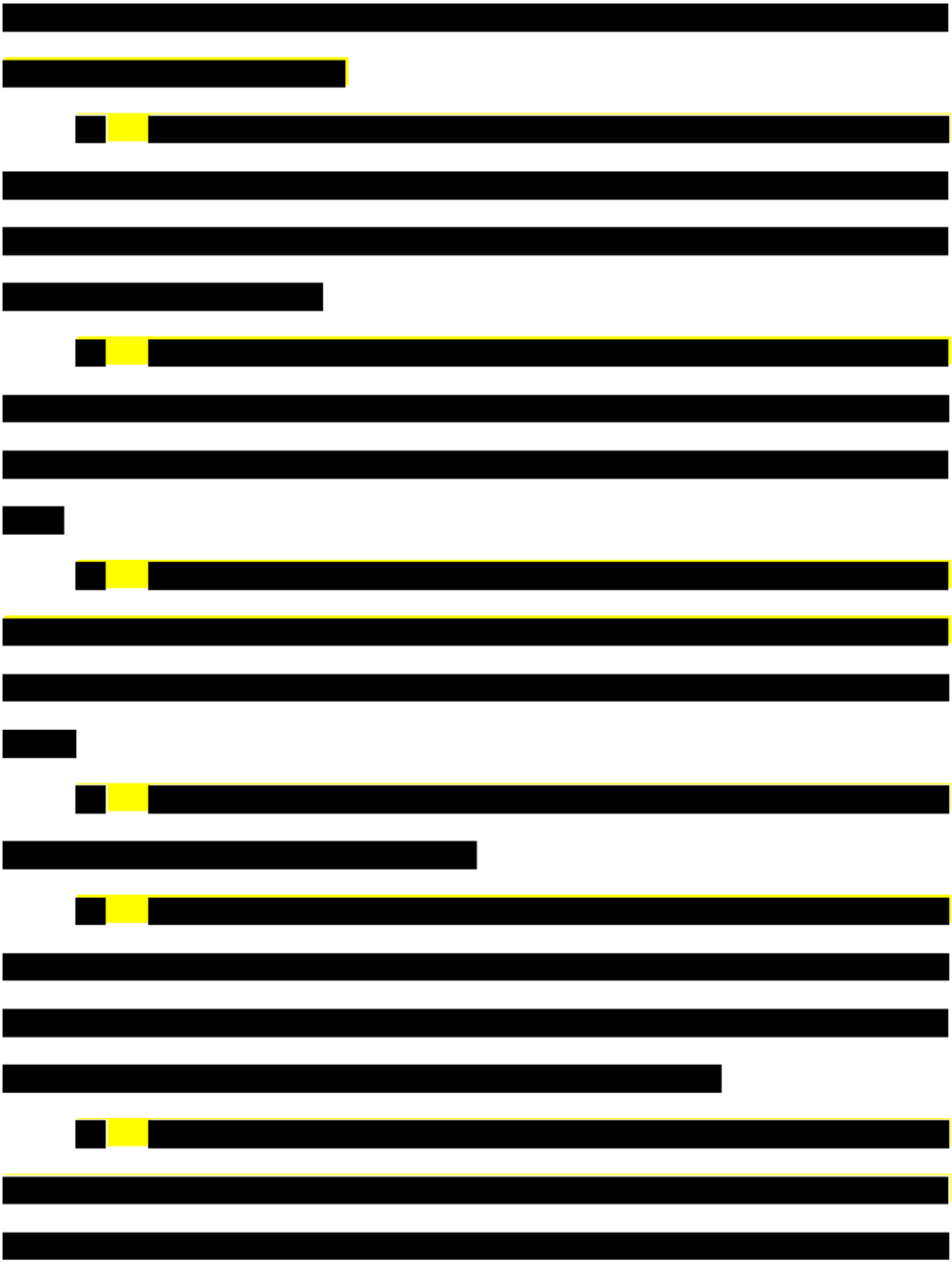
February to July 2019: OpenAI Demonstrates a LibGen-Trained Model to Microsoft and the Parties Formally Collaborate

[redacted]



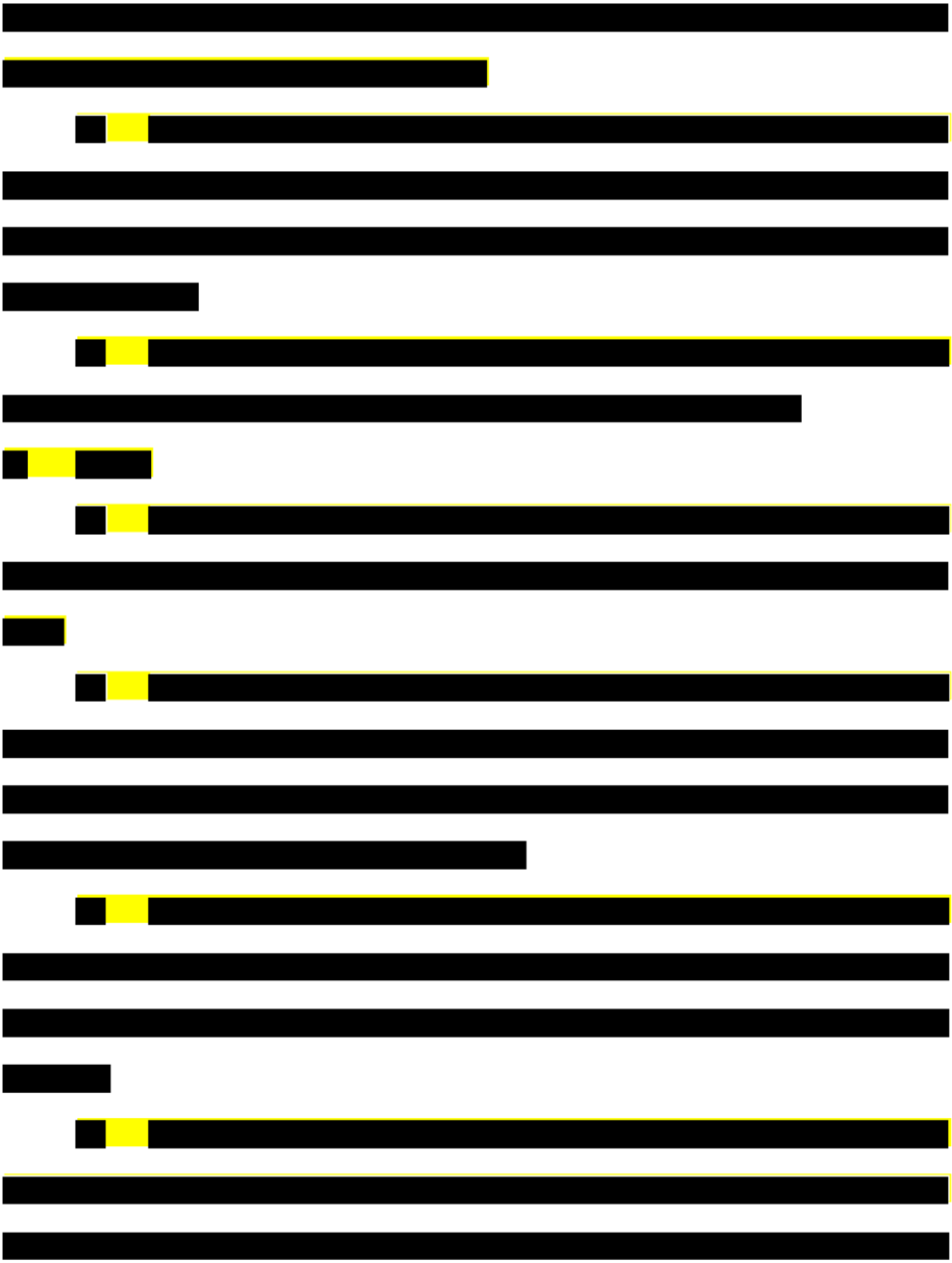
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Dated: October 23, 2026

/s/ Justin A. Nelson

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2026, I caused the foregoing document to be electronically filed with the Clerk of the United States District Court for the Southern District of New York using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Tyler Alabanza-Behard
Tyler Alabanza-Behard