UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This document relates to: No. 1:23-cv-08292-SHS-OTW No. 1:23-cv-10211-SHS-OTW No. 1:25-cv-03482-SHS-OTW	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang

CAITLIN SINCLAIRE BLYTHE'S DECLARATION IN SUPPORT OF DEFENDANTS' OPPOSITION TO CLASS PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT

I, Caitlin Sinclaire Blythe, 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' briefs in opposition to Class Plaintiffs' Motion for Summary Judgment and Defendants' Response to Class Plaintiffs' Rule 56.1 Statement. I make this declaration based on personal knowledge of the facts and circumstances set forth herein.

2. Attached as **Exhibit 1** 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.

3. Attached as **Exhibit 2** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Greg Brockman, taken on January 29, 2026.

4. Attached as **Exhibit 3** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of James Betker, taken on October 9, 2025.

5. Attached as **Exhibit 4** 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.

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_001934006 to OPCO_MDL_001934023.

7. Attached as **Exhibit 6** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Michael Trinh, taken on July 25, 2025.

8. Attached as **Exhibit 7** is a true and correct copy of *ChatGPT - Release Notes*, OpenAI Help, also available at https://help.openai.com/en/articles/6825453-chatgpt-release-notes.

9. Attached as **Exhibit 8** is an excerpt of a true and correct copy of the transcript of

the 30(b)(6) deposition of Jon Tinter, taken on February 10, 2026.

10. Attached as **Exhibit 9** is a true and correct copy of a letter from Alexandra Elbakyan to the Court, filed September 15, 2015, in the matter of *Elsevier Inc. v. Sci-Hub*, No. 1:15-cv-04282-RWS (S.D.N.Y.), ECF No. 50.

11. Attached as **Exhibit 10** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Alec Radford, taken on February 24, 2026.

12. Attached as **Exhibit 11** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of David Lansky, taken on October 17, 2025.

13. Attached as **Exhibit 12** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Benjamin Chess, taken on February 26, 2026.

14. Attached as **Exhibit 13** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Benjamin Mann, taken on March 3, 2025.

15. Attached as **Exhibit 14** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of William Gates, III, taken on February 13, 2026.

16. Attached as **Exhibit 15** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Umesh Madan, taken on February 17, 2026.

17. Attached as **Exhibit 16** is a true and correct copy of a document produced in this action by OpenAI with Bates number OPCO_MDL_001635339.

18. Attached as **Exhibit 17** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001635340 to OPCO_MDL_001635373.

19. Attached as **Exhibit 18** is an excerpt of a true and correct copy of OpenAI's Responses to Plaintiffs' Second Set of Interrogatories to OpenAI, served on March 17, 2025, in *In re OpenAI ChatGPT Litigation*, Case No. 3:23-cv-3223-AMO (N.D. Cal) ("*In re OpenAI*

ChatGPT Litigation").

20. Attached as **Exhibit 19** is an excerpt of a true and correct copy of the transcript of the deposition of David Choffnes, Ph.D., taken on July 27, 2026.

21. Attached as **Exhibit 20** is an excerpt of a true and correct copy of the transcript of Volume 4 of the 30(b)(6) deposition of Michael Trinh, taken on March 3, 2026.

22. Attached as **Exhibit 21** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Ian Sohl, taken on December 10, 2025.

23. Attached as **Exhibit 22** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Qiming Yuan, taken on November 18, 2025.

24. Attached as **Exhibit 23** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Jeff Wu, taken on January 13, 2026.

25. Attached as **Exhibit 24** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Varun Shetty, taken on February 4, 2026.

26. Attached as **Exhibit 25** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001940375 to OPCO_MDL_001940376.

27. Attached as **Exhibit 26** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001903114 to OPCO_MDL_001903129.

28. Attached as **Exhibit 27** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_001898026 to OPCO_MDL_001898037.

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_000115341 to OPCO_MDL_000115346.

30. Attached as **Exhibit 29** is a true and correct copy of a document produced in this action by OpenAI with Bates number OPCO_MDL_004631319.

31. Attached as **Exhibit 30** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of John Schulman, taken on November 7, 2025.

32. Attached as **Exhibit 31** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Lilian Weng, taken on February 10, 2026.

33. Attached as **Exhibit 32** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Miles Brundage, taken on September 18, 2025.

34. Attached as **Exhibit 33** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Dario Amodei, taken on March 27, 2026.

35. Attached as **Exhibit 34** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Tom Brown, taken on February 12, 2026.

36. Attached as **Exhibit 35** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_000000048 to OPCO_MDL_000000084.

37. Attached as **Exhibit 36** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Eric Chung, taken on February 26, 2026.

38. Attached as **Exhibit 37** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Leo Gao, taken on January 21, 2026.

39. Attached as **Exhibit 38** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of William Buchwalter, taken on March 31, 2026.

40. Attached as **Exhibit 39** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Brandon Norick, taken on March 9, 2026.

41. Attached as **Exhibit 40** is an excerpt of a true and correct copy of the transcript of Volume 3 of the 30(b)(6) deposition of Michael Trinh, taken on March 3, 2026.

42. Attached as **Exhibit 41** 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.

43. Attached as **Exhibit 42** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Shantanu Jain, taken on March 11, 2025.

44. Attached as **Exhibit 43** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Vedant Misra, taken on February 13, 2026.

45. Attached as **Exhibit 44** is a true and correct copy of EleutherAI, *the-pile*, GitHub, also available at https://github.com/EleutherAI/the-pile.

46. Attached as **Exhibit 45** is a true and correct copy of EleutherAI, *Remove books3*, also available at https://github.com/EleutherAI/the-pile/commit/71e3a1c026ac2b299a7b07dcf7d56a4d850f7076.

47. Attached as **Exhibit 46** is a true and correct copy of EleutherAI, *Add already_shuffled*, also available at https://github.com/EleutherAI/the-pile/commit/8ef385fb0c5fe5f9fd4bef594ff20fe232a709aa.

48. Attached as **Exhibit 47** is a true and correct copy of an email from Jordan Connors, dated October 16, 2025.

49. Attached as **Exhibit 48** is a true and correct copy of an email from Amber McGee, dated November 1, 2025.

50. Attached as **Exhibit 49** is an excerpt of a true and correct copy of the transcript of Volume 2 of the 30(b)(6) deposition of Ian Sohl, taken on December 9, 2025.

51. Attached as **Exhibit 50** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of John Vincent Monaco, taken on January 28, 2026.

52. Attached as **Exhibit 51** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Saurabh Tiwary, Ph.D., taken on February 20, 2026.

53. **Exhibit 52** is intentionally omitted.

54. Attached as **Exhibit 53** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Mikhail Parakhin, taken on November 18, 2025.

55. Attached as **Exhibit 54** is an excerpt of a true and correct copy of the transcript of Volume 1 of the 30(b)(6) deposition of Dee Templeton, taken on January 20, 2026.

56. Attached as **Exhibit 55** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Ilya Sutskever, Ph.D., taken on March 17, 2026.

57. Attached as **Exhibit 56** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Tao Xu, taken on January 29, 2026.

58. Attached as **Exhibit 57** is a true and correct copy of a document marked Exhibit 420 during the December 9, 2025 deposition of Ian Sohl.

59. Attached as **Exhibit 58** is an excerpt of a true and correct copy of the transcript of Volume 2 of the deposition of Chris Callison-Burch, Ph.D., taken on July 16, 2026.

60. Attached as **Exhibit 59** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Long Ouyang, taken on October 14, 2025.

61. Attached as **Exhibit 60** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Xia Song, taken on January 13, 2026.

62. Attached as **Exhibit 61** are excerpts of true and correct copies of the transcripts of Volumes 1 and 2 of the 30(b)(6) deposition of Jamie Huynh, taken on January 27, 2026 and January 28, 2026.

63. Attached as **Exhibit 62** is an excerpt of a true and correct copy of the transcript of Volume 1 of the 30(b)(6) deposition of Nicholas Ryder, Ph.D., taken on January 29, 2026.

64. Attached as **Exhibit 63** is an excerpt of a true and correct copy of the transcript of

the 30(b)(6) deposition of Padma Priya Gaggara, taken on August 20, 2025.

65. Attached as **Exhibit 64** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Katherine Mayer, taken on January 13, 2026.

66. Attached as **Exhibit 65** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Padma Priya Gaggara, taken on January 27, 2026.

67. Attached as **Exhibit 66** 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.

68. Attached as **Exhibit 67** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Kathryn Griffith, taken on February 26, 2026.

69. Attached as **Exhibit 68** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Tarun Gogineni, taken on February 26, 2026.

70. Attached as **Exhibit 69** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Brent Hecht, Ph.D., taken on February 18, 2026.

71. Attached as **Exhibit 70** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Courtney Sakre, taken on March 27, 2026.

72. **Exhibit 71** is intentionally omitted.

73. Attached as **Exhibit 72** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Jennifer Singerman, taken on March 12, 2026.

74. Attached as **Exhibit 73** 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.

75. Attached as **Exhibit 74** is an excerpt of a true and correct copy of the transcript of the deposition of Franklin Taylor Branch, taken on December 15, 2025.

76. Attached as **Exhibit 75** is an excerpt of a true and correct copy of the transcript of

the deposition of Mark L. Seeley, taken on July 13, 2026.

77. **Exhibit 76** is intentionally omitted.

78. Attached as **Exhibit 77** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Jordan Usdan, taken on February 11, 2026.

79. Attached as **Exhibit 78** is an excerpt of a true and correct copy of the transcript of the 30(b)(6) deposition of Benton Joseph Gaffney, taken on February 24, 2026.

80. Attached as **Exhibit 79** is a true and correct copy of a document produced in this action by Plaintiffs with Bates numbers FICTION-0166829 to FICTION-0166831.

81. Attached as **Exhibit 80** is a true and correct copy of a document produced in this action by Plaintiffs with Bates numbers FICTION-00600987 to FICTION-00601020.

82. **Exhibit 81** is intentionally omitted.

83. Attached as **Exhibit 82** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Kevin Amer, taken on January 30, 2026.

84. Attached as **Exhibit 83** is a true and correct copy of a document produced in this action by Microsoft with Bates numbers MSFT_AI_MDL_000096524 to MSFT_AI_MDL_000096531.

85. Attached as **Exhibit 84** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Jordan Ribas, taken on November 5, 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 Fabrice Canel, taken on January 22, 2026.

87. Attached as **Exhibit 86** is an excerpt of a true and correct copy of the transcript of the 30(b)(1) deposition of Umesh Madan, taken on February 17, 2026.

88. **Exhibit 87** is intentionally omitted.

89. Attached as **Exhibit 88** is an excerpt of a true and correct copy of the transcript of the deposition of Michael Connelly, taken on December 9, 2025.

90. Attached as **Exhibit 89** is an excerpt of a true and correct copy of the transcript of the deposition of Jonathan Franzen, taken on October 9, 2025.

91. Attached as **Exhibit 90** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_004600925 to OPCO_MDL_004600932.

92. Attached as **Exhibit 91** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_004649462 to OPCO_MDL_004649471.

93. Attached as **Exhibit 92** is a true and correct copy of a document produced in this action by OpenAI with Bates numbers OPCO_MDL_004590656 to OPCO_MDL_004590666.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 23rd day of October 2026, at Orinda, California.

/s/ Caitlin Sinclaire Blythe
Caitlin Sinclaire Blythe