UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION THIS DOCUMENT RELATES TO: ALL CASES	25-md-3143 (SHS) (OTW)

LETTER MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

October 29, 2026

Dear Judge Stein:

Public Knowledge requests leave to file the amicus curiae brief attached as Exhibit A. This request complies with the Court's August 7, 2026 amicus order and the October 30 deadline established by the September 24, 2026 order (MDL ECF No. 2049).

Public Knowledge is a nonprofit public-interest organization with substantial expertise in copyright law, new technologies, freedom of expression, and access to knowledge.

This brief addresses the intermediate copying of works that is a necessary part of training AI models. It argues that AI training should be considered separately from other uses, such as the acquisition of datasets, and an AI's outputs. Upholding fair use in this context would preserve opportunities for a broad range of researchers and developers to build tools that benefit the public. The brief also argues that while copyright protects the works' expression, it does not give authors a monopoly over objective information about, or contained in, their works. The brief explains why fair use permits reasonably necessary copying of protected expression to access this unprotected information, even when the entire work must be copied.

The brief contains 5,877 words, including footnotes and excluding the caption, tables, signature blocks, and the compliance certificate, as calculated using Microsoft Word, within the

6,000-word limit. No party or party's counsel authored any part of it. No person other than Public Knowledge or its counsel funded its preparation or submission.

Public Knowledge requests that the Court grant leave and deem the brief filed. Exhibit B contains a proposed order.

Respectfully submitted,

/s/ John Bergmayer
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