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VIA ECF

October 30, 2026

The Honorable Sidney H. Stein
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

RE: In re: OpenAI, Inc. Copyright Infringement Litigation
Case No. 1:25-md-03143-SHS-OTW (and related cases)
Motion for leave to file amicus curiae brief in the above litigation

Dear Judge Stein:

Pursuant to the Court's Order of August 7, 2026 (ECF No. 1663), as modified by the Court's Order of September 24, 2026 (ECF No. 2049), Floor64, Inc. d/b/a the Copia Institute respectfully moves for leave to file the attached Exhibit A, "[Proposed] Brief of Amicus Curiae Floor64, Inc. d/b/a the Copia Institute in Support of OpenAI's Motion for Summary Judgment" in the above-captioned matters.

The brief is timely under ECF No. 2049, contains 5,684 words, within the 6,000-word limit set by the Court's Order in ECF No. 1663, and relies on no sealed material. No party or party's counsel authored the proposed brief in whole or in part, no party or party's counsel contributed money intended to fund its preparation or submission, and no person other than the Copia Institute or its counsel contributed such money.

Because ECF No. 1663 directs prospective amici to seek leave by motion, the Copia Institute has not sought the parties' consent.

Interest of Amicus Curiae

Amicus Copia Institute is the think tank arm of Floor64, Inc., the privately-held small business behind Techdirt.com ("Techdirt"), an online publication that has chronicled technology law and policy for nearly 30 years. Its articles cover subjects salient to this case, including freedom of expression, copyright, AI, innovation policy, and more.

As a think tank the Copia Institute also produces evidence-driven white papers examining the underpinnings of tech policy. Then, armed with its insight, it regularly files amicus briefs, regulatory comments, and other advocacy instruments on these subjects to help educate lawmakers, courts, and other regulators—as well as innovators, entrepreneurs, and the public—with the goal of influencing good policy that promotes and sustains innovation and expression. Many such filings have implicated the exact same issues as those at the fore of this litigation, including at the Second Circuit in *Hachette v. Internet Archive* and at the U.S. Supreme Court in *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*.

Argument

Resolution of this case is likely to have significant legal impact and amicus Copia Institute hopes to provide useful insight for the Court as it considers the questions before it. Amicus Copia Institute offers this brief in order to contribute to the analysis how the Plaintiffs' claims implicate innovation, expression, and the public right to benefit from the information and ideas contained within created works, particularly in ways that are at odds with the statutory language, the Progress Clause, and the First Amendment.

As an enterprise whose business is built around engaging in expressive activities, and with particular expertise and insight into the technological, policy, and legal issues raised by this case, the brief by the Copia Institute is likely to be helpful in assisting this court with navigating the issues before it.

Conclusion

For the reasons stated herein, Amicus requests leave to file the proposed amicus brief attached as Exhibit A. A proposed order granting leave is attached as Exhibit B.

Sincerely,

/s/ Catherine R. Gellis
Catherine R. Gellis, Esq.
Counsel for Amicus Curiae Copia Institute