CONSTANTINE LLP

NEW YORK | WASHINGTON | SAN FRANCISCO

SETH D. GREENSTEIN
202-204-3514
sgreenstein@constantinellp.com

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 St.
New York, NY 10007-1312

Re: Motion for Leave to File Brief Amicus Curiae in
In Re: OpenAI Copyright Infringement Litigation, 25-md-3143 (SHS) (All Cases)

Your Honor:

Pursuant to Local Civil Rules 5.2(b) and 7.1(e), and in accordance with the Court's scheduling orders for the filing of briefs amicus curiae (ECF Nos. 1663 and 2049), the Consumer Technology Association, the American Council of the Blind, the American Library Association, the Association of Research Libraries, and the Business Software Alliance (collectively Amici) respectfully move for leave to file the attached proposed amicus curiae brief in all related cases of the above-referenced litigation. It is our understanding that the Defendants OpenAI and Microsoft Inc. consent to our filing an amicus brief, and that the Plaintiffs in this case take no position generally on the filing of amicus briefs supporting Defendants.

The Amici represent a broad range of businesses and societal sectors that benefit from innovative uses of AI technologies made possible by fair use. Despite their different missions, collectively the Amici and their constituents share an interest in the balanced application of copyright law to new digital technologies, including AI. They submit the attached amicus brief to demonstrate the importance of preserving the role of fair use in training AI systems to learn from copyrighted works, and the many ways that fair use training of AI systems supports new research, discovery, and access to information for the benefit of the public.

I. Argument

"[A] district court has broad discretion to grant or deny an appearance as amicus curiae in a given case." *Picard v. Greiff*, 797 F. Supp. 2d 451, 452 (S.D.N.Y. 2011). An *amicus* brief "should normally be allowed when … the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." ECF No. 440

(Aug. 7, 2025) (quoting *In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570, 2022 WL 17326181, at *2 (S.D.N.Y. Nov. 29, 2022) (quoting *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997))). Moreover, "[t]he court is more likely to grant leave to appear as an amicus curiae in cases involving matters of public interest." *Andersen v. Leavitt*, No. 03-CV-6115 DRHARL, 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007) (quoting 4 Am. Jur. 2d *Amicus Curiae* § 3).

The proposed amicus brief provided information and perspectives that we believe may not be provided to the Court by other parties and amici. Specifically, the Amici highlight innovative uses of AI systems across a wide range of fields, including medicine, accessibility, education and libraries, agriculture, law and justice, transportation, product design and manufacturing, software and business, and creative industries. These applications illustrate AI's vital role in drawing on existing knowledge to advance research, expand public access to information, and enable further creativity. As the brief explains, fair use is essential to these advances by enabling AI systems to train from sufficiently broad, diverse, and current sources so as to avoid biased, skewed, outdated, and inaccurate responses.

II. Conclusion

For these reasons, the Amici respectfully request that their motion for leave be granted. Submitted herewith for the Court's convenience are a copy of the proposed brief *amicus curiae* as Exhibit A, and a proposed order granting the motion of the Amici for leave to file.

Respectfully submitted.

/s/ Seth D. Greenstein
Seth D. Greenstein (*pro hac vice* pending)
Constantine LLP
700 12th Street NW, Suite 700 East
Washington, D.C. 20005
Tel: 202-204-3514
Fax: 202-204-3501
sgreenstein@constantinellp.com

Counsel for Amici Curiae Consumer Technology Association, American Council of the Blind, American Library Association, Association of Research Libraries, and Business Software Alliance

CC: All counsel of record via ECF