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October 30, 2026

By Electronic Filing

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, New York, 10007-1312

Re: Motion for Leave to File Brief of Amicus Curiae Gregory Leppert in Support of Defendants
***In Re OpenAI, Inc. Copyright Infringement Litigation*, No. 25-md-3143 (SHS) (OTW),**
This Document Relates to: All Cases

Dear Judge Stein:

Under the Court's Orders of August 7, 2026 (Dkt. No. 1663) and September 24, 2026 (Dkt. No. 2049) and Local Rules 5.2(b) and 7.1(e), proposed amicus Gregory Leppert respectfully moves the Court for an order granting leave to file the attached brief in support of Defendants.

1. Interest of Amicus Curiae

Gregory Leppert is the Executive Director of the Institutional Data Initiative (IDI) at the Harvard Law School Library, a research initiative that works with libraries, universities, and governments to refine and publish their collections as datasets for computational uses. His work at IDI is animated by a desire to affirm the role of public-interest institutions as stewards of knowledge in a future shaped by AI. IDI is supported by a consortium of funders, including Jane Street, Meta, Microsoft, and OpenAI.

Mr. Leppert is also the Chief Technologist of the Berkman Klein Center for Internet and Society at Harvard University, where he enables research on transformative technologies as they intersect with society. He was previously the Director of Product and Research at the Harvard Law School Library's Library Innovation Lab (LIL), where he led strategy and implementation of tools and research for improving library technologies.

Through his work on LIL's Caselaw Access Project, Mr. Leppert helped the Harvard Law School Library as it digitized and made accessible 360 years of U.S. case law, creating a first-of-its kind dataset that has democratized access to law. Through LIL's Perma.cc platform, Mr. Leppert helped a consortium of libraries archive the web so that citations to web content are properly preserved, even if the original webpages change or disappear.

In leading IDI, Mr. Leppert has worked with the Boston Public Library to build AI systems that parse and make accessible 1.47 million pages from the library's newspaper collections; with the University of Michigan Library to use general-purpose AI reasoning models to extract key decision points from nearly

200 years of the university's board proceedings; and with Harvard Library and Google to release nearly one million books scanned from Harvard Library's collections.

As a lifelong artist and musician who once made his living as a graphic designer and full-time touring musician, Mr. Leppert has also personally relied on the markets and creative freedoms that copyright and fair use enable. Together, these experiences give him a direct interest in how copyright law can continue to support creative markets while enabling libraries and other public-interest institutions to use new technologies to preserve and expand access to knowledge. Mr. Leppert submits this brief solely in his individual capacity, and provides his institutional affiliations for identification only. No party or its counsel authored this brief in whole or in part. No party or its counsel, and no person other than Mr. Leppert and his counsel, contributed money to fund or intended to fund the preparation or submission of this amicus curiae brief.

The parties' motions for summary judgment involve application of the fair use factors to training of general purpose AI models. In applying these factors, the Court should take into account the public benefits the copying will likely produce. Through his work with libraries and library technology, Mr. Leppert offers insight and a unique perspective on how libraries are using and will use general purpose AI models to keep pace with growing needs and avoid obsolescence. Mr. Leppert's knowledge and perspective regarding these public benefits falls outside the scope of interests addressed by any party to this case.

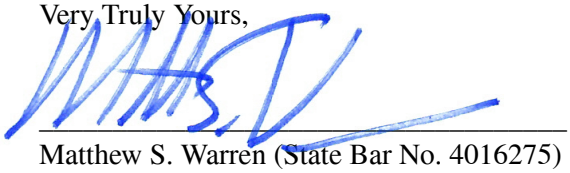
2. Argument

"District courts have broad discretion to permit or deny the appearance of amici curiae in a given case." *United States v. Ahmed*, 788 F.Supp. 196, 198 (S.D.N.Y. 1992). "The primary role of the amicus is to assist the Court in reaching the right decision in a case affected with the interest of the general public." *Russell v. Bd. of Plumbing Exam'rs*, 74 F. Supp. 2d 349, 351 (S.D.N.Y. 1999), *aff'd on other grounds*, No. 99-9532, 2001 U.S. App. LEXIS 5814 (2d Cir. Jan. 5, 2001). Courts should generally allow an amicus brief "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." *C&A Carbone, Inc. v. Cnty. of Rockland*, No. 08-cv-6459, 2014 U.S. Dist. LEXIS 38658, at *13 (S.D.N.Y. Mar. 24, 2014) (quoting *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997)). This Court has recognized the interest of potential amicus curiae in relation to the pending motions for summary judgment in this litigation. Dkt. No. 1663.

Mr. Leppert respectfully submits that the proposed brief offers unique information and perspective to aid this Court in its consideration of the issues raised by the parties' respective motions. As Executive Director of the Institutional Data Initiative, Mr. Leppert works closely with public and university libraries to support their missions and purpose as stewards of information for the purpose of promoting the public good and furthering the representation of diverse ideas and ways of seeing the world. As a function of his work, Mr. Leppert is uniquely familiar with the challenges faced by libraries in keeping pace with the backlog of library materials to be processed and made accessible for future generations, and the manner in which general purpose AI models support libraries' efforts. These public benefits conferred by general purpose AI models are not addressed in the parties' briefing or in the record in this litigation.

The proposed brief is timely filed, and complies with the Court's orders concerning the filing of amicus briefs; it contains 4,491 words. Dkt. Nos. 1663, 2049. Mr. Leppert respectfully requests that the Court grant him leave to file the amicus brief attached as Exhibit 1.

Very Truly Yours,



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cc: All counsel of record via ECF