UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:	:	
OPEN AI, INC., COPYRIGHT INFRINGEMENT LITIGATION	:	No. 25-md-3143 (SHS) (OTW)
This Document Relates To:	:	
All Actions	:	

DECLARATION OF MAILE YEATS-ROWE IN SUPPORT OF OPENAI'S LETTER MOTION TO SEAL

I, Maile Yeats-Rowe, hereby declare as follows:

1. I am Senior Litigation Counsel at OpenAI. I submit this declaration in support of OpenAI's letter motion to seal, filed concurrently herewith. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. I have been informed that Plaintiffs' letter motions and OpenAI's letter briefs in response are discovery motions, their supporting documents filed concurrently herewith, as well as specified accompanying exhibits are not "judicial documents" under *Lugosch v. Pyramid Company of Onondaga,* 435 F.3d 100 (2d Cir. 2006), but rather discovery-related documents, the "presumption of access to these records is low." *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016); *see Brown v. Maxwell*, 929 F.3d 41, 50 (2d Cir. 2019); *Rand v. Travelers Indem. Co.,* No. 21-CV-10744 (VB)(VF), 2023 WL 4636614, at *2 (S.D.N.Y. July 19, 2023) (noting the court is not required to articulate compelling reasons to seal for material in non-dispositive motions).

3. I have been informed and understand that OpenAI moved to seal certain confidential materials designated by OpenAI as "CONFIDENTIAL" or "HIGHLY

CONFIDENTIAL - ATTORNEYS' EYES ONLY" pursuant to the Protective Order, ECF 367. I submit this declaration in support of maintaining certain portions of those documents under seal.

4. Based on my review, the information identified with specificity below that OpenAI seeks to seal fall into one or more of the following categories: (1) highly sensitive internal links and technical names that direct to OpenAI internal documents, the disclosure of which poses cybersecurity threats to OpenAI; (2) confidential internal business information about OpenAI's technology and business strategies that could be unfairly used by its competitors if made public; and (3) confidential third-party business information about business partners and confidential business dealings with those partners that would threaten OpenAI's competitive standing in the market and potentially violate confidentiality provisions if not protected.

5. **Category (i)**. Internal filenames, hyperlinks, URLs, user IDs, and training data and dataset names are highly sensitive and warrant sealing. Disclosure of this information could compromise OpenAI's cybersecurity. OpenAI treats such information as highly confidential, does not publicly disclose it, and takes affirmative steps to protect the confidentiality of such information. Category (i) information can be found in the following:

Description	ECF	Redact or Seal
Exhibit 3 to Plaintiffs' Motion to Compel Deletion Documents	395-3, 413-3	Seal
Exhibit 4 to Plaintiffs' Motion to Compel Deletion Documents	395-4, 413-4	Seal
Exhibit 5 to Plaintiffs' Motion to Compel Deletion Documents	395-5, 413-5	Seal

6. **Category (ii)**. The specific processes that OpenAI employs to train and evaluate ChatGPT models, including internal discussions of technical tasks, the sources and specific amounts of data, data collection, acquisition, licensing, and storage techniques, internal data retention policies and practices, internal communication policies and practices, business

discussions regarding negotiations and agreements with its business partners, and strategy discussions and evaluation of competitors constitute highly sensitive proprietary information that OpenAI generally does not publicly disclose. OpenAI treats such information as confidential or highly confidential. OpenAI generally does not publicly disclose this type of information and takes steps to protect its confidentiality, particularly given the highly competitive nature of the artificial intelligence industry with global stakeholders. Disclosure of this kind of information would give OpenAI's competitors insight into its proprietary development processes and cause competitive harm to OpenAI. Category (ii) information can be found in the table that follows. As noted in the table, OpenAI requests redaction of documents (identified via green highlighting in the documents), as opposed to sealing of a document in total, wherever possible.

Description	ECF	Redact or Seal
Exhibit 1 to Plaintiffs' Motion for *In Camera* Review	388-1, 412-1	Redact
Plaintiffs' Motion to Compel Deletion Documents	395, 413	Redact
Exhibit 1 to Plaintiffs' Motion to Compel Deletion Documents	395-1, 413-1	Seal
Exhibit 2 to Plaintiffs' Motion to Compel Deletion Documents	395-2, 413-2	Seal
Exhibit 3 to Plaintiffs' Motion to Compel Deletion Documents	395-3, 413-3	Seal
Exhibit 4 to Plaintiffs' Motion to Compel Deletion Documents	395-4, 413-4	Seal
Exhibit 5 to Plaintiffs' Motion to Compel Deletion Documents	395-5, 413-5	Seal
Exhibit 8 to Plaintiffs' Motion to Compel Deletion Documents	395-8, 413-8	Seal
Exhibit 10 to Plaintiffs' Motion to Compel Deletion Documents	395-9, 413-10	Redact
Exhibit 12 to Plaintiffs' Motion to Compel Deletion Documents	395-11, 413-12	Seal
Exhibit 14 to Plaintiffs' Motion to Compel Deletion Documents	413-14	Seal
Plaintiffs' Motion to Compel Text Messages and Social Media	390	Redact

Description	ECF	Redact or Seal
Exhibit 2 to Plaintiffs' Motion to Compel Text Messages and Social Media	390-2	Seal
Exhibit 3 to Plaintiffs' Motion to Compel Text Messages and Social Media	390-3	Seal
Exhibit 6 to Plaintiffs' Motion to Compel Text Messages and Social Media	390-5	Seal
Exhibit 7 to Plaintiffs' Motion to Compel Text Messages and Social Media	390-6	Seal
Exhibit B to OpenAI's Letter Brief in Opposition to Plaintiffs' Motion for *In Camera* Review	—	Redact
OpenAI's Letter Brief in Response to Plaintiffs' Motion to Compel Conversation Samples	—	Redact
Declaration of J. Vincent Monaco attached to OpenAI's Letter Brief in Response to Plaintiffs' Motion to Compel Conversation Samples	—	Redact

7. **Category (iii)**. OpenAI treats discussions with and about current and potential business partners, especially as they relate to quotes or strategic decisions, as confidential or highly confidential third-party business information. OpenAI generally does not publicly disclose strategic decision-making deliberations concerning actual or potential business relationships to prevent competitive harm to OpenAI. Moreover, OpenAI and certain partners have express agreements with confidentiality provisions that prevent public disclosure of confidential facts about the companies' business relationships. Public disclosure of category (iii) information would cause competitive harm to OpenAI, given the highly competitive nature of the artificial intelligence industry with global stakeholders and could cause violation of OpenAI's confidentiality agreements with third parties. Category (iii) information can be found in the following:

Description	ECF	Redact or Seal
Exhibit 6 to Plaintiffs' Motion to Compel Text Messages and Social Media	390-5	Seal

Description	ECF	Redact or Seal
Exhibit 7 to Plaintiffs' Motion to Compel Text Messages and Social Media	390-6	Seal

8. OpenAI's request is narrowly tailored as OpenAI only seeks to seal some exhibits and limited, related portions of the parties' briefs, leaving the balance of the documents unredacted and open to the public. Where OpenAI seeks to file an entire exhibit under seal, it is because confidential information pervades the document, making redaction inadequate to protect OpenAI.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of August 2025, in San Francisco, California.

Maile Yeats-Rowe
Senior Litigation Counsel
OpenAI