MEMO ENDORSED.

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August 4, 2025

VIA ECF

Hon. Ona T. Wang
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

RE: *In re OpenAI, Inc. Copyright Infringement Litigation* (No. 1:25-md-03143) This document relates to all actions.

Dear Judge Wang:

We write on behalf of Class Plaintiffs, Ziff Davis, and The Intercept to note those Plaintiffs' interest in the issues addressed by News Plaintiffs' motion to compel OpenAI to sample and search API data. *See* Dkt. 398. Among other things, Class Plaintiffs have interests in the API output data and the classifiers which OpenAI has used to record the types of content generated by API users. These materials are relevant to Class Plaintiffs' output claims[1] and to fair use (particularly factor four, the effect of the use on the market for the copyrighted works.) They are also relevant to *scienter* for purposes of The Intercept's and Ziff Davis's DMCA claims.

At this time, those Plaintiffs have not moved to compel OpenAI on this issue. However, those Plaintiffs respectfully request to be included in any settlement conferences regarding these issues and will be available to answer any of the Court's questions regarding this interest in OpenAI's classifier usage, particularly as it pertains to API data, at the August 12th hearing.

By: /s/*Justin Nelson*

Justin Nelson
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[1] OpenAI has filed a motion to dismiss Class Plaintiffs' output claims (which remains pending). However, and as explained above, the material would relevant in any event due to fair use factor four.

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OpenAI is directed to meet and confer with Class Plaintiff, Ziff Davis, and The Intercept regarding this request and to file a letter reply by **12:00 p.m. Monday, August 11, 2025.**

SO ORDERED.



Ona T. Wang
U.S.M.J. 8/8/2025