Exhibit B

JOSEPH C. GRATZ (CA SBN 240676)
JGratz@mofo.com
TIFFANY CHEUNG (CA SBN 211497)
TCheung@mofo.com
JOYCE C. LI (CA SBN 323820)
JoyceLi@mofo.com
MELODY E. WONG (SBN 341494)
MelodyWong@mofo.com
MORRISON & FOERSTER LLP
425 Market Street,
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

ROSE S. LEE (CA SBN 294658)
RoseLee@mofo.com
ALEXANDRA M. WARD (CA SBN 318042)
AlexandraWard@mofo.com
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, California 90017-3543
Telephone: (213) 892-5200
Facsimile: (213) 892-5454
[CAPTION CONTINUED ON NEXT PAGE]

Attorneys for Defendants
OPENAI, INC., OPENAI, L.P., OPENAI OPCO, L.L.C., OPENAI GP, L.L.C., OPENAI STARTUP FUND GP I, L.L.C., OPENAI STARTUP FUND I, L.P., AND OPENAI STARTUP FUND MANAGEMENT, LLC

ANDREW M. GASS (SBN 259694)
Andrew.Gass@lw.com
JOSEPH R. WETZEL (SBN 238008)
Joseph.Wetzel@lw.com
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, California 94111
Telephone: (415) 391-0600

ROBERT A. VAN NEST (SBN 84065)
rvannest@keker.com
R. JAMES SLAUGHTER (SBN 192813)
rslaughter@keker.com
PAVEN MALHOTRA (SBN 258429)
pmalhotra@keker.com
MICHELLE YBARRA (SBN 260697)
mybarra@keker.com
NICHOLAS S. GOLDBERG (SBN 273614)
ngoldberg@keker.com
THOMAS E. GORMAN (SBN 279409)
tgorman@keker.com
KATIE LYNN JOYCE (SBN 308263)
kjoyce@keker.com
CHRISTOPHER SUN (SBN 308945)
csun@keker.com
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400
Facsimile: (415) 391-7188

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE OPENAI CHATGPT LITIGATION

This document relates to:

All Actions

Master File No. 3:23-cv-03223-AMO

DECLARATION OF PETER WELINDER IN SUPPORT OF OPENAI'S PRIVILEGE CLAIMS

JOHN R. LANHAM (CA SBN 289382)
JLanham@mofo.com
SARAH J. VANDERVALK (CA SBN 332651)
SVandervalk@mofo.com
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
Telephone: (858) 720-5100
Facsimile: (858) 523-2803

CAROLYN M. HOMER (CA SBN 286441)
CMHomer@mofo.com
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, D.C. 20037
Telephone: (202) 887-1500
Facsimile: (202) 887-0763

MAX I. LEVY (CA SBN 346289)
MLevy@mofo.com
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

ERIC K. NIKOLAIDES (*pro hac vice*)
ENikolaides@mofo.com
ZACHARY S. NEWMAN (*pro hac vice*)
ZNewman@mofo.com
MORRISON & FOERSTER LLP
250 West 55th Street
New York, NY 10019-9601
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

SARANG VIJAY DAMLE (*pro hac vice*)
Sy.Damle@lw.com
MICHAEL A. DAVID (*pro hac vice*)
Michael.David@lw.com
ELANA NIGHTINGALE DAWSON (*pro hac vice*)
Elana.Nightingaledawson@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: (202) 637-2200

ALLISON L. STILLMAN (*pro hac vice*)

Alli.Stillman@lw.com
RACHEL R. BLITZER (*pro hac vice*)
Rachel.blitzer@lw.com
HERMAN H. YUE (*pro hac vice*)
Herman.yue@lw.com
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 751-4864

I, Peter Welinder, hereby declare as follows:

1. I am Vice President of Product: New Product Explorations at OpenAI OpCo, LLC, and have been employed by OpenAI since December 2016. I make these statements based on personal knowledge, and if called upon to testify as to the facts stated in this declaration, I would and could so testify.

2. Without intending to reveal any privileged matter, I describe below the content of the following documents and the circumstances of their creation:

- OPCO_NDCAL_1479064;
- OPCO_NDCAL_1499972;
- OPCO_NDCAL_1464960;
- OPCO_NDCAL_0640171;
- OPCO_NDCAL_1500283;
- OPCO_NDCAL_1472044;
- OPCO_NDCAL_1472052;
- OPCO_NDCAL_1464964; and
- OPCO_NDCAL_1470383.

OPCO_NDCAL_1479064

3. The document ending in Bates number -064 is an email chain, last dated March 17, 2022, between myself and another OpenAI employee. The redacted portions of the document reflect requests for legal advice, regarding rights under an agreement, to OpenAI's in-house counsel, including Che Chang, who was then OpenAI's Deputy General Counsel.

OPCO_NDCAL_1499972

4. Slack is a workplace messaging application. The document ending in Bates number -972 is an excerpt of a private Slack channel, with communications dated January 14, 2022. I was a participant in this channel. In the redacted portions of this document, OpenAI employees ask about certain legal advice regarding the public disclosure of information in

marketing statements for OpenAI products, and share Mr. Chang's privileged legal advice internally in response to the inquiry.

OPCO_NDCAL_1464960

5. The document ending in Bates number -960 is an excerpt of an internal Slack channel among OpenAI employees. The excerpt includes communications dated November 2, 2022, November 3, 2022, and May 2, 2023. I was a participant in this channel. In the redacted portions of this communication, an OpenAI employee communicates internal legal advice that Mr. Chang had provided me and other employees regarding legal considerations with respect to certain technical aspects of OpenAI's ongoing product development efforts.

OPCO_NDCAL_0640171

6. The document ending in Bates number -171 is an excerpt of an internal Slack channel among OpenAI employees, including me. The excerpt includes communications dated October 30, 2022, October 31, 2022, and April 29, 2023. The redacted material in this document refers to Mr. Chang by his first name and repeats my summary of Mr. Chang's legal advice regarding legal considerations of certain technical product developments.

OPCO_NDCAL_1500283

7. The document ending in Bates number -283 is an excerpt from an internal Slack channel among OpenAI employees. The excerpt includes communications dated November 2, 2022, November 3, 2022, and May 2, 2023. This document contains the redacted communications that are in the documents ending in Bates number -960 and -171, described above.

OPCO_NDCAL_1472044

8. The document ending in Bates number -044 is an excerpt of an internal Slack channel among OpenAI employees. The excerpt includes communications dated November 1, 2022 and November 2, 2022. I was a participant in this channel. In the redacted portion of this communication, I share legal advice from Mr. Chang (who I refer to by first name) that he provided to me regarding legal considerations of product development.

OPCO_NDCAL_1472052

9. The document ending in Bates number -052 is an excerpt of an internal Slack channel among OpenAI employees, including me. The excerpt includes communications dated November 1, 2022 and November 2, 2022. This document contains the same redacted communication as the document ending in Bates number -044, described above.

OPCO_NDCAL_1464964

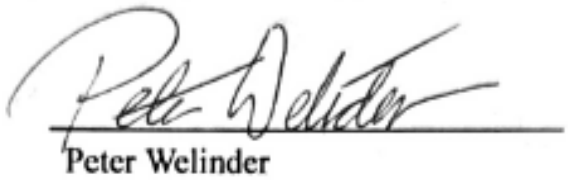
10. The document ending in Bates number -964 is an excerpt of an internal Slack channel, with communications dated October 31, 2022, among OpenAI employees, including me. This document contains the same redacted communication as the document ending in Bates number -171, described above.

OPCO_NDCAL_1470383

11. The document ending in Bates number -383 is an excerpt of an internal Slack channel among OpenAI employees. The excerpt includes communications dated November 1, 2022 and November 2, 2022. This document contains the same redacted communication as the documents ending in Bates number -044 and -052, described above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24 day of March, 2025, in San Francisco, California.



Peter Welinder