UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This Document Relates To: *NYT v. Microsoft et al.*, *No. 23-cv-11195*	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang

OPENAI'S NOTICE REGARDING WITHDRAWAL OF ECF NO 539

PLEASE TAKE NOTICE that OpenAI hereby withdraws its Letter Motion regarding The Times's refusal to produce discovery regarding market impact of ChatGPT and other market forces in response to OpenAI's RFP Nos. 301-313. *See* MDL ECF 539.

On September 9, 2025, OpenAI filed a Letter Motion regarding The Times's refusal to produce discovery regarding market impact of ChatGPT and other market forces in response to OpenAI's RFP Nos. 301-313. *See* MDL ECF 539. OpenAI thereafter continued to meet and confer with Plaintiff The New York Times Company ("The Times") regarding the discovery requested by OpenAI pursuant to its RFP Nos. 301-313. Over the course of those meet and confers, The Times:

(a) identified search terms The Times contends are sufficiently broad to encompass the documents sought by OpenAI in RFP Nos. 301-313;

(b) confirmed The Times is not withholding any documents responsive to OpenAI's RFP Nos. 301-313 that hit on the aforementioned search terms;

(c) confirmed The Times has also conducted a reasonable search for documents reflecting OpenAI's impact on The Times's business in non-custodial repositories; and

(d) confirmed The Times is not withholding any documents hitting on RFP Nos. 301-313 that were uncovered by the aforementioned non-custodial search.

Accordingly, OpenAI withdraws its Letter Motion regarding The Times's refusal to produce discovery regarding market impact of ChatGPT and other market forces (MDL ECF 539).

Dated: September 24, 2025

/s/ Sarah Salomon
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