

EXHIBIT K

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COGNELLA, INC.,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:26-cv-04053-VC

**DEFENDANT META PLATFORMS, INC.'S
SECOND SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

Judge: Hon. Vince Chhabria

1 **PROPOUNDING PARTY: PLAINTIFF COGNELLA, INC.**

2 **RESPONDING PARTY: DEFENDANT META PLATFORMS, INC.**

3 **SET NUMBER: ONE**

4 Pursuant to Federal Rules of Civil Procedure Rules 26 and 33, and Local Rule 33 of the
5 United States District Court for the Northern District of California, Defendant Meta Platforms, Inc.
6 (“Meta”) hereby objects and provides these supplemental responses to Plaintiff Cognella, Inc.’s
7 (“Plaintiff”) First Set of Interrogatories (“Interrogatories”).

8 **I. Responses to All Interrogatories**

9 1. Meta’s responses to these Interrogatories are made to the best of Meta’s present
10 knowledge, information, and belief. Said responses are at all times subject to such additional or
11 different information that discovery or further investigation may disclose, and while based on the
12 present state of Meta’s recollection, are subject to such refreshing of recollection, and such
13 additional knowledge of facts, as may result from Meta’s further discovery or investigation. Meta
14 reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or
15 documents responsive to these Interrogatories but discovered subsequent to the date of these
16 responses, including, but not limited to, any such information or documents obtained in discovery
17 herein.

18 2. To the extent that Meta responds to an Interrogatory by stating that Meta will
19 provide information or documents that Meta deems to embody material that is private, business
20 confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal
21 Rule of Civil Procedure 26(c) and/or Federal Rule of Evidence 501, Meta will only do so subject
22 to the Protective Order (Dkt. 53) governing the unauthorized use or disclosure of such information
23 or documents with a designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL -
24 ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” distinction.

25 3. Meta reserves all objections or other questions as to the competency, relevance,
26 materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this
27 or any other action for any purpose whatsoever of Meta’s responses herein and any document or
28 thing identified or provided in response to the Interrogatories.

II. Objections to Instructions and Definitions

Whether or not separately set forth in response to each Interrogatory, Meta makes these objections to the following Instructions and Definitions.

1. Meta objects to the definition of “COPYRIGHT MANAGEMENT INFORMATION” to the extent it calls for a legal conclusion. Specifically, a determination of whether any particular data, text, or metadata constitutes “Copyright Management Information” under 17 U.S.C. § 1202(c) is inherently legal in nature and calls for a legal conclusion. Meta is not in a position to know whether any particular information qualifies as legally protected Copyright Management Information and a determination of such is not within Meta’s possession, custody, or control. Meta further objects to this definition as vague and ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent it includes identifying information for persons that “created” copyrighted works.

2. Meta objects to the definition of “COGNELLA WORK(S)” as overbroad, unduly burdensome and disproportionate to the needs of the case to the extent it puts the burden on Meta to determine which works purportedly “belong” to COGNELLA. Meta further objects to the term “belong” as vague and ambiguous as it is unclear what form of possession or ownership is intended by the use of this term. Without agreeing that COGNELLA possesses or owns any valid copyright in any specific works, Meta will interpret the term COGNELLA WORKS to refer to the specific works identified in Exhibit A to the Interrogatories.

3. Meta objects to the definitions of “COMMUNICATIONS” and “DOCUMENT(S)” to the extent these definitions are inconsistent with and otherwise seek to circumvent the custodian and search term limits for electronic communications (including emails and other electronic correspondence, and documents attached thereto), as provided in the ESI Order.

4. Meta further objects to the definitions of “COMMUNICATIONS” and “DOCUMENT(S)” to the extent they seek to expand or alter the scope of the Federal Rules of Civil Procedure, the Local Rules of this Court, or the ESI Order. Meta further objects to these definitions to the extent they seek Meta to produce documents that are not reasonably accessible because of undue burden or cost pursuant to Fed. R. Civ. P. 26(b)(2)(B), which are unduly burdensome to

1 preserve and search, or which otherwise, under the proportionality factors, should not be
2 preserved.

3 **5.** Meta objects to the definitions of “CORPORA” and “DATASET(S)” as overbroad,
4 unduly burdensome, and disproportionate to the needs of the case, including (but not limited to) the
5 extent they refer to non-textual materials that are not relevant to any party’s claims or defenses and
6 to the extent they refer vaguely to “other content.” Without any admission with respect to content
7 or nature, Meta will construe the term “DATASET(S)” to refer to Anna’s Archive, Bibliotik,
8 Books3, C4, Library Genesis (or LibGen), Sci-Hub, The Pile, and Z-Library.

9 **6.** Meta objects to the definition of “INFRINGE,” “INFRINGED,” and “INFRINGES”
10 to the extent it calls for a legal conclusion. Specifically, a determination of whether any conduct
11 constitutes copyright infringement is inherently legal in nature and calls for a legal conclusion.
12 Meta is not in a position to know whether any particular conduct infringes on a legally protected
13 work and a determination of such is not within Meta’s possession, custody, or control.

14 **7.** Meta objects to the definition of “LARGE LANGUAGE MODEL(S)” and “LLM
15 MODEL(S)” as vague and ambiguous, overbroad, unduly burdensome, and disproportionate to the
16 needs of the case. In particular, the phrase “any machine learning model, neural network,
17 generative artificial intelligence model, transformer model, or similar computational system trained
18 on large quantities of text or other data” is overly broad and encompasses tools and services that
19 are not relevant to any party’s claims or defenses. Meta further objects to this definition to the
20 extent that it purports to require Meta to produce documents or information concerning large
21 language models that were not publicly released and/or were not trained on corpuses of text that
22 allegedly include any of Plaintiff’s allegedly copyrighted works. Meta further objects that the
23 phrase “process, predict, generate, summarize, classify, or otherwise manipulate natural language
24 or content” renders the definition vague, ambiguous, confusing, and overly broad. Meta will
25 construe “LARGE LANGUAGE MODEL(S)” and “LLM MODEL(S)” to mean the publicly
26 released Llama 1, Llama 2, Llama 3, Llama 4, and Muse Spark models.

27 **8.** Meta objects to the definition of “META,” “YOU,” and “YOUR” as overbroad,
28 unduly burdensome, and disproportionate to the needs of the case. Meta will construe “META,”

1 “YOU,” or “YOUR” to mean Meta Platforms, Inc.

2 **9.** Meta objects to the definition of “PIRATED,” “PIRACY,” and “PIRATED
3 MATERIAL” to the extent it calls for legal conclusions and assumes disputed issues. Meta further
4 objects that the definition is phrased in a way that is argumentative, prejudicial, and lacks
5 foundation. Meta is not in a position to know whether any particular work is subject to copyright
6 protection or whether third-party repositories lacked authorization to host or possess such works.

7 **10.** Meta objects to the definition of “SHADOW LIBRARY” and “SHADOW
8 LIBRARIES” to the extent it calls for legal conclusions and assumes disputed issues. Meta further
9 objects that the definition is phrased in a way that is argumentative, prejudicial, and lacks
10 foundation. Meta further objects to this definition as overbroad, unduly burdensome, and
11 disproportionate to the needs of the case, including (but not limited to) the extent it refers to non-
12 textual materials that are not relevant to any party’s claims or defenses and to the extent it refers
13 vaguely to “media and similar materials.” Meta is not in a position to know whether any particular
14 work is subject to copyright protection or whether third-party repositories lacked authorization to
15 host or possess such works. Meta further objects to this definition to the extent that it incorporates
16 the objectionable portions of the term “DATASETS.” Without any admission with respect to
17 content or nature, Meta will construe the term “SHADOW LIBRARY” to refer to certain of the
18 third-party datasets identified by Plaintiff, namely Anna’s Archive, Bibliotik, Books3, Library
19 Genesis (or LibGen), Sci-Hub, The Pile, and Z-Library.

20 **11.** Meta objects to the definition of “WEB SCRAPING” as vague, ambiguous,
21 overbroad, unduly burdensome, and disproportionate to the needs of the case. In particular, the
22 extensive list of undefined terms, including “extraction, collection, copying, downloading,
23 crawling, indexing, harvesting, or retrieval” and “aggregation, storage, processing” are susceptible
24 to multiple definitions, rendering this definition unintelligibly ambiguous. Meta further objects to
25 the phrase “images, metadata, or other content” as overbroad and disproportionate to the needs of
26 the case, to the extent it refers to training data other than text data that is not relevant to any party’s
27 claims or defenses. Meta further objects to this definition to the extent that it incorporates the
28 objectionable portions of the terms “SHADOW LIBRARIES” and “LARGE LANGUAGE

1 MODELS.” Meta will construe “WEB SCRAPING” to mean the automated collection of text data
2 from the public internet for use in training the Meta Language Models (as construed above).

3 **III. General Objections**

4 Meta hereby incorporates the following general objections into each of its specific
5 responses and objections to the individual Interrogatories as if fully set forth therein:

6 1. Meta incorporates by reference each and every General Objection set forth below
7 into each and every specific Response. From time to time, a specific Response may repeat a
8 General Objection for emphasis or some other reason. The failure to repeat any General Objection
9 in any specific Response shall not be interpreted as a waiver of any General Objection to that
10 Response.

11 2. Any information provided in response to any individual Interrogatory is made
12 without waiver of, and subject to, the General Objections and any additional objections asserted in
13 response to that specific Interrogatory.

14 3. Meta objects to the Interrogatories to the extent that they impose any differing or
15 additional obligations from those required by the Federal Rules, the Local Rules, or any other
16 applicable rule, law, or doctrine, the ESI Order and the Protective Order entered in this action (the
17 “Applicable Laws, Rules, and Agreements”), on the ground that such a requirement exceeds the
18 scope of permissible discovery and attempts to impose an unreasonable burden and expense on
19 Meta. To the extent any Interrogatory conflicts with, or purports to impose additional or different
20 duties and obligations, Meta will respond in accordance with the Applicable Laws, Rules, and
21 Agreements.

22 4. Meta objects to the Interrogatories to the extent that they are overly broad, vague,
23 ambiguous, and unduly burdensome; or seek documents and information that are neither relevant
24 nor proportional to the needs of this action.

25 5. Meta objects to the Interrogatories to the extent they seek information or documents
26 or seek to impose a search for information or documents: (a) not within Meta’s possession, custody,
27 or control; (b) not maintained by Meta in the normal course of business; (c) already in the
28 possession, custody, or control of Plaintiff; (d) readily available through public sources or from

1 sources that are more convenient, less burdensome, or less expensive; or (e) from sources that are
2 more readily available to Plaintiff than to Meta. Meta further objects to the extent the burden or
3 expense of the proposed discovery outweighs its likely benefit.

4 **6.** Meta objects to the Interrogatories to the extent that they seek documents and
5 information protected from disclosure by privileges and other protections from production,
6 including, without limitation: (a) the attorney-client privilege; (b) the work-product doctrine; or (c)
7 any other constitutional, statutory, common law or regulatory protection, immunity, or proscription
8 from disclosure. In responding to the Interrogatories, Meta will not produce information or
9 documents protected by such privileges. Where Meta withholds information under claim of
10 privilege, Meta will adhere to the requirements under the ESI Order. Meta does not intend the
11 inadvertent production of any privileged or protected information to constitute a waiver of Meta's
12 rights to assert any applicable privilege or protection, and Meta further reserves the right to demand
13 that Plaintiff return, destroy, or sequester any privileged or protected documents inadvertently
14 produced and all copies thereof consistent with Fed. R. Civ. P. 26(b)(5)(B) and the terms and
15 conditions of the ESI Order and the Protective Order entered in this action.

16 **7.** Meta objects to the Interrogatories to the extent that they purport to require Meta to
17 provide information or documents in violation of a legal, contractual, or other obligation of
18 nondisclosure owed to a third party. Meta will not provide information or documents subject to
19 any such obligation unless and until it receives the necessary consent from any such third party or,
20 in the absence of such consent, unless and until it is ordered to do so by a court of competent
21 jurisdiction.

22 **8.** Meta objects to the Interrogatories to the extent they call for, or can be interpreted
23 as calling for, Meta to make legal conclusions, or to the extent they assume disputed issues or are
24 phrased in such a way as to be lacking foundation, argumentative, prejudicial, or otherwise
25 improper.

26 **9.** Meta objects to the Interrogatories to the extent that they seek confidential, trade
27 secret, competitively sensitive, business, financial, or other proprietary information. To the extent
28 documents or information containing any such information are nonprivileged, responsive to the

Interrogatories, and are not otherwise objectionable, Meta will only produce such documents and information subject to the ESI Order and the Protective Order entered in this action. Meta further reserves the right to redact or otherwise withhold any confidential, proprietary, trade secret, or competitively sensitive information that is neither relevant nor proportional to the needs of this action.

10. Meta objects to the Interrogatories to the extent they seek documents that are not proportionate to the needs of the case and/or not relevant to any party's claims or defenses.

11. Meta objects to the Interrogatories that seek to impose an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Plaintiff as duplicative, overbroad, unduly burdensome, and oppressive.

12. Meta reserves the right to assert additional objections, or to supplement its Responses as appropriate, particularly if any additional information regarding the Interrogatories or the underlying claims at issue is provided.

IV. OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES

INTERROGATORY NO. 1:

Which COGNELLA WORKS did YOU obtain from a SHADOW LIBRARY?

RESPONSE TO INTERROGATORY NO. 1:

Meta incorporates by reference its objections and definitions above, including to the terms COGNELLA WORKS, YOU, and SHADOW LIBRARY.

Subject to and without waiving the foregoing objections, Meta is undertaking a reasonable investigation to identify which COGNELLA WORKS, if any, Meta downloaded as part of Anna's Archive, Books3 and LibGen for use in training Meta's LARGE LANGUAGE MODELS. As previously communicated to counsel for COGNELLA, Meta may need additional information, including the text of the COGNELLA WORKS, in order to provide a more complete response to this Interrogatory. Meta will supplement this response on a rolling basis as it identifies responsive information.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1 (AUGUST 24, 2026):

Subject to and without waiving the foregoing objections, and following a reasonable

1 inquiry, Meta further responds as follows:

2 Meta will provide a table identifying, based on Meta's current knowledge, information, and
3 belief based on a reasonable investigation, the authors and titles of COGNELLA WORKS, if any,
4 that Meta believes were downloaded from Libgen, Zlib, the Internet Archive Lending Library
5 and/or Books3.

6 Meta's investigation is ongoing and Meta will supplement this Interrogatory as additional
7 responsive information becomes available.

8 **INTERROGATORY NO. 2:**

9 Identify each COGNELLA WORK that YOU obtained through WEB SCRAPING.

10 **RESPONSE TO INTERROGATORY NO. 2:**

11 Meta incorporates by reference its objections and definitions above, including to the terms
12 COGNELLA WORK, YOU, and WEB SCRAPING.

13 Subject to and without waiving the foregoing objections, Meta is undertaking a reasonable
14 investigation to identify which COGNELLA WORKS, if any, Meta downloaded as part of any web
15 archiving activity conducted by Meta's SpiderMate web archiver for use in training Meta's LARGE
16 LANGUAGE MODELS. As previously communicated to counsel for COGNELLA, Meta may
17 need additional information, including the text of the COGNELLA WORKS, in order to provide a
18 more complete response to this Interrogatory. Meta will supplement this response on a rolling basis
19 as it identifies responsive information.

20 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2 (AUGUST 24, 2026):**

21 Subject to and without waiving the foregoing objections, and following a reasonable
22 inquiry, Meta further responds as follows:

23 Meta will provide a table identifying, based on Meta's knowledge, information, and belief
24 based on reasonable investigation, the COGNELLA WORKS, if any, that Meta believes were
25 obtained from Common Crawl, an open repository of web crawl data made available by the
26 Common Crawl Foundation.

27 Meta also operates a web crawler "SpiderMate" that obtains publicly available web data
28 from the Internet. The SpiderMate data is organized and searchable based on web domains (e.g.

1 domain portion of Uniform Resource Locators (URLs)). Meta is willing to search SpiderMate data
2 for a reasonable number of web domains identified by COGNELLA upon request.

3 Meta's investigation is ongoing and Meta will supplement this Interrogatory as additional
4 responsive information becomes available.

5 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2 (SEPTEMBER 4, 2026):**

6 Subject to and without waiving the foregoing objections, and following a reasonable
7 inquiry, Meta further responds as follows:

8 Meta states that it cannot feasibly search SpiderMate based on the text of the COGNELLA
9 WORKS because that platform is indexed and searchable by URL. Any search through the text of
10 SpiderMate for COGNELLA WORKS would be extraordinarily burdensome, not technically
11 feasible nor proportional to the needs of the case. SpiderMate holds petabytes of data indexed by
12 URL, and any attempt to search for the text of COGNELLA WORKS would require significant
13 engineering work to develop and deploy a new search tool at significant expense and considerable
14 effort, disproportionate to the needs of the case. Moreover, COGNELLA has not provided any
15 information indicating that COGNELLA WORKS are present in any material quantity on publicly
16 available internet web pages. The benefits of any such search are substantially outweighed by the
17 burden. Additionally, COGNELLA's response to Meta Interrogatory No. 19 (served August 31,
18 2026) states that COGNELLA seeks statutory damages under 17 U.S.C. § 504 and "is not seeking
19 actual damages, lost profits, lost sales, lost licensing revenue, or any other form of compensatory
20 monetary relief based upon Plaintiff's economic losses." (Plaintiff Cognella, Inc. Responses and
21 Objections to Meta's Second Set of Interrogatories, August 31, 2026, at 6.) Under 17 U.S.C. § 504,
22 a plaintiff can only recover a single award of statutory damages "for all infringements involved in
23 the action, with respect to any one work." 17 U.S.C. § 504(c)(1); *see also* H.R. Rep. No. 1476,
24 94th Cong., 2d Sess. at 162 (1976) ("A single infringer of a single work is liable for a single amount
25 [of statutory damages], no matter how many acts of infringement are involved in the action and
26 regardless of whether the acts were separate, isolated, or occurred in a related series."); *Desire,*
27 *LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1271 (9th Cir. 2021) (noting that statutory damages
28 awards "should not provide copyright owners a windfall. Congress specifically limited the amount

1 of statutory damages available per award and limited a plaintiff to a single award no matter how
 2 many infringements an individual defendant... committed.”). Accordingly, COGNELLA can only
 3 recover a single award of statutory damages for each COGNELLA WORK, regardless of the
 4 number of times that work was downloaded by Meta or how many Meta datasets may have
 5 incorporated such work. Accordingly, requiring Meta to attempt to develop a new search system
 6 for purposes of searching SpiderMate would be disproportionate to the needs of the case under Rule
 7 26(b)(1).

8 **INTERROGATORY NO. 3:**

9 For each COGNELLA WORK that YOU obtained from a SHADOW LIBRARY or through
 10 WEB SCRAPING, when and how did you obtain it? Identify and describe each instance in detail,
 11 including the source or sources, date or dates of acquisition, and means or method of acquisition.

12 **RESPONSE TO INTERROGATORY NO. 3:**

13 Meta incorporates by reference its objections and definitions above, including to the terms
 14 COGNELLA WORK, YOU, SHADOW LIBRARY, and WEB SCRAPING.

15 Meta objects to this request to the extent it is duplicative of information sought by
 16 Interrogatory Nos. 1 and 2. Meta further objects to this interrogatory as vague, ambiguous,
 17 overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent the
 18 phrase “[i]dentify and describe each instance in detail, including” seeks unspecified information
 19 beyond the recited request for “the source or sources, date or dates of acquisition, and means or
 20 method of acquisition” of data obtained from a SHADOW LIBRARY or WEB SCRAPING.

21 Subject to and without waiving the foregoing objections, as stated for Interrogatory Nos. 1
 22 and 2, Meta is undertaking a reasonable investigation to identify which COGNELLA WORKS, if
 23 any (1) Meta downloaded as part of Anna’s Archive, Books3, and/or LibGen for use in training
 24 Meta’s LARGE LANGUAGE MODELS and (2) Meta downloaded as part of any web archiving
 25 activity conducted by Meta’s SpiderMate web archiver for use in training Meta’s LARGE
 26 LANGUAGE MODELS. Meta will provide reasonably available information regarding the source,
 27 timing, and method of download. As previously communicated to counsel for COGNELLA, Meta
 28 may need additional information, including the text of the COGNELLA WORKS, in order to

1 provide a more complete response to this Interrogatory. Meta will supplement this response on a
2 rolling basis as it identifies responsive information.

3 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3 (AUGUST 24, 2026):**

4 Subject to and without waiving the foregoing objections, and following a reasonable
5 inquiry, Meta further responds as follows:

6 Meta will provide a table identifying, based on Meta's knowledge, information, and belief
7 based on reasonable investigation, the authors and titles of COGNELLA WORKS, if any, that Meta
8 believes were downloaded from the Z-Lib, Libgen Fiction, Libgen Scitech and/or Books3
9 collections. Meta will provide a table identifying, based on Meta's knowledge, information, and
10 belief based on reasonable investigation, the COGNELLA WORKS, if any, that Meta believes were
11 obtained from Common Crawl, an open repository of web crawl data made available by the
12 Common Crawl Foundation. With respect to each of these data sources, Meta identifies, to the best
13 of its knowledge, information and belief after reasonable investigation, how each of these data
14 sources was obtained:

15 **Anna's Archive (which includes Z-Lib):** Meta explained, in its response to Interrogatory
16 No. 9 (served August 8, 2026), the way in which Meta obtained data from the Z-Lib collection of
17 Anna's Archive via torrenting, and that response is incorporated herein by reference.

18 **Libgen Fiction:** Meta explained, in its response to Interrogatory No. 9 (served August 8,
19 2026), the way in which data from Libgen Fiction was obtained via torrenting, and that response is
20 incorporated herein by reference. Additionally, beginning in or about Spring 2023, data from the
21 Fiction branch of Libgen was downloaded, and this download was conducted primarily by Nikolay
22 Bashlykov. The download was conducted using a direct download technique that did not involve
23 use of torrents. Meta has produced a software script (download_libgen_direct.py, META-
24 KADREY-SC-000197), a version of which Meta believes was used in the direct download process
25 for Libgen Fiction.

26 **Libgen Scitech:** Meta explained, in its response to Interrogatory No. 9 (served August 8,
27 2026), the way in which data from Libgen Scitech was obtained via torrenting, and that response is
28 incorporated herein by reference. Additionally, beginning in or about Spring 2023, data from the

Scitech branch of Libgen was downloaded, and the download was conducted primarily by Nikolay Bashlykov. The download was conducted using a direct download technique that did not involve use of torrents. Meta has produced a software script (download_libgen_direct.py, META-KADREY-SC-000197), a version of which Meta believes was used in the direct download process for Libgen Scitech.

Common Crawl: Meta believes that Common Crawl data was first obtained by Meta prior to 2023. Common Crawl was available for download over the Internet from a number of different websites and online databases. Based on Meta's knowledge and information after a reasonable investigation, Meta has not been able to definitively determine where it originally obtained Common Crawl data, but believes it may have been obtained from <https://www.tensorflow.org/datasets/catalog/c4>, <https://github.com/speedinghzl/CCNet>, or https://github.com/tensorflow/models/tree/archive/research/lm_commonsense#1-download-datafiles.

Books3: Meta believes that Books3 data was first obtained prior to 2023. At the time it was obtained by Meta, Books3 was part of a larger dataset known as "The Pile" published by EleutherAI, which was available for download over the Internet from a number of different websites and online databases. Meta has not been able to definitively determine where it originally obtained Books3 data, but believes Books3 may have been obtained from a website known as The Eye (<https://theeye.eu>), which at the time hosted a number of publicly-available datasets including Books3 and The Pile. Meta has produced a spreadsheet (Meta_Kadrey_00000250) listing names of files in a Books3 dataset obtained by Meta.

Meta's investigation is ongoing and Meta will supplement this Interrogatory as additional responsive information becomes available.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3 (SEPTEMBER 4, 2026):

Subject to and without waiving the foregoing objections, and following a reasonable inquiry, Meta further responds as follows:

Meta incorporates by reference its previous responses to this Interrogatory. **Exhibit A** provided on August 29, 2026 contains, for each COGNELLA WORK that was downloaded by

Meta, a “Downloaded Dataset(s)” field that identifies, for each work, the online repository or repositories that were downloaded by Meta that contained such work. For example, if a work lists “Z-Lib,” in this column, that means it was downloaded as part of the torrent download from Anna’s Archive described in Meta’s response to Interrogatory No. 9 (served August 8, 2026). If a work lists “Books3” in this column, it was downloaded as part of the pre-2023 download of Books3 data as described in Meta’s response to Interrogatory No. 9 (served August 8, 2026).

If a work lists “Libgen Scitech,” that it was downloaded during the multiple downloads of this dataset, specifically (a) the torrent downloads of Libgen Scitech described in Meta’s response to Interrogatory No. 9 (served August 8, 2026), and (b) the direct download by of Libgen Scitech Mr. Bashlykov described in Meta’s August 24, 2026 supplemental response to Interrogatory No. 3. To the best of Meta’s knowledge, information and belief after reasonable investigation, the downloads of Libgen Scitech by Bashlykov and Wang are believed to have been substantially complete, whereas the downloads by former employees Lample and Roller were partial. Pursuant to Rule 33(d), Meta has produced listings of downloaded files at META_KADREY_00237775 and META_KADREY_00243793 corresponding to the partial downloads of Libgen Scitech by Lample and Roller, respectively, which provide a more precise identification of the works believed to have been downloaded by these individuals. To the best of Meta’s knowledge, information, and belief, the portions of Scitech believed to have been downloaded by Mr. Lample did not contain Plaintiff’s works. With respect to Mr. Roller, attached as Exhibit E is a chart showing, to the best of Meta’s knowledge, information, and belief, the particular works of Plaintiff that were included in the portions of Scitech believed to have been downloaded by him.

If a work lists “Libgen Fiction,” it was downloaded during the multiple downloads of this dataset, specifically (a) the torrent downloads of Libgen Fiction by Mr. Lample described in Meta’s response to Interrogatory No. 9 (served August 8, 2026), and (b) the direct download by Mr. Bashlykov described in Meta’s August 24, 2026 supplemental response to Interrogatory No. 3. To the best of Meta’s knowledge, information and belief after reasonable investigation, the downloads of Libgen Fiction by Mr. Lample and Mr. Bashlykov are believed to have been substantially complete as of the date of their respective downloads.

If multiple datasets are listed in this column for a particular work, that means the work was separately downloaded during each of these dataset downloads. Details about each of these instances of dataset downloading, including the date or dates of acquisition, and the method of acquisition, are set forth (a) for torrent downloads, in Meta's response to Interrogatory No. 9 (served August 8, 2026), and (b) for Mr. Bashlykov's direct downloads of Libgen Fiction and Libgen Scitech, and for Books3, in Meta's August 24, 2026 supplemental response to Interrogatory No. 3. With respect to **Exhibit B** provided with this supplemental response, Meta has not been able to reliably determine precise dates when downloads of Common Crawl occurred, but states that Common Crawl data was likely downloaded multiple times as new crawls were made available by the Common Crawl Foundation.

INTERROGATORY NO. 4:

Which COGNELLA WORKS did YOU use, in whole or in part, to train any of YOUR LLM MODELS?

RESPONSE TO INTERROGATORY NO. 4:

Meta incorporates by reference its objections and definitions above, including to the terms COGNELLA WORKS, YOU, and YOUR LLM MODELS.

Meta further objects to this interrogatory to the term "train" as vague and ambiguous to the extent it is undefined. Meta will interpret the term "train" as the act of pre-training and/or fine-tuning a large language model.

Subject to and without waiving the foregoing objections, Meta is undertaking a reasonable investigation to identify which COGNELLA WORKS, if any, were used to pre-train Meta's LLM MODELS. As previously communicated to counsel for COGNELLA, Meta may need additional information, including the text of the COGNELLA WORKS, in order to provide a more complete response to this Interrogatory. Meta will supplement this response on a rolling basis as it identifies responsive information.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4 (AUGUST 24, 2026):

Subject to and without waiving the foregoing objections, and following a reasonable inquiry, Meta further responds as follows:

Meta will provide a list of COGNELLA WORKS that based on Meta's knowledge, information, and belief based on reasonable investigation were used in training one or more of the Llama models. To the best of Meta's knowledge, information and belief, these training files were used in the training of Meta models and thus provide an identification of specific instances in which the identified COGNELLA WORKS were used in training.

Meta's investigation is ongoing and Meta will supplement this Interrogatory as additional responsive information becomes available.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4 (SEPTEMBER 4, 2026):

Meta incorporates by reference its prior responses to this Interrogatory.

Attached as **Exhibit D** is a table identifying COGNELLA WORKS for which physical copies were purchased, scanned and then used to train the Meta Muse model.

Attached as **Exhibit B** is a table of COGNELLA WORKS identified from Meta's text searches of produced Common Crawl training data.

Additionally, on August 29, 2026, Meta provided a table listing the COGNELLA WORKS that were obtained from downloaded books datasets. Despite an extensive investigation and substantial engineering efforts, Meta has not been able to reliably determine which of the downloaded COGNELLA WORKS was used to train Meta's Llama models. This inability is attributable primarily to the composition of the COGNELLA WORKS themselves: many of these works contain large amounts of text drawn from public domain sources, including, as a few examples, portions that reproduce all or substantial parts of the U.S. Constitution, the Federalist Papers, biblical passages, and numerous other texts that are not in the public domain and thus not subject to copyright protection. Because such public domain text is, by definition, not unique to any individual COGNELLA WORK and instead appears identically across countless other works, texts, and sources both inside and outside of the training data, any textual match between a Llama model's training data and public domain content within a COGNELLA WORK does not provide a reliable indicator that the model was trained on that particular COGNELLA WORK, as opposed to any of the many other sources containing the same public domain material. This has resulted in an exceptionally large number of potentially false positive matches, and it is not technically feasible

at this time to distinguish textual matches attributable to shared public domain content from matches that correspond to text unique to a given COGNELLA WORK. Accordingly, for the purposes of this action only, Meta will not dispute that at least one copy of each of the downloaded works identified in **Exhibit A** was used to train at least one Llama model. More specifically: to the extent a COGNELLA WORK was downloaded as part of the b3g dataset, Meta will not dispute that such work was used in the training of Llama 1 through 4. To the extent a COGNELLA WORK was downloaded as part of a Libgen dataset, Meta will not dispute that such work was used in the training of Llama 3 and 4. And to the extent a COGNELLA WORK was downloaded as part of an Anna's Archive dataset (including Z-Library), Meta will not dispute that such work was used in the training of Llama 4.

INTERROGATORY NO. 5:

For each COGNELLA WORK that YOU used, in whole or in part, to train any of YOUR LLM MODELS, when and how did you do so? IDENTIFY and describe each instance in detail.

RESPONSE TO INTERROGATORY NO. 5:

Meta incorporates by reference its objections and definitions above, including to the terms COGNELLA WORKS, YOU, and YOUR LLM MODELS.

Meta further objects to this interrogatory to the term “train” as vague and ambiguous to the extent it is undefined. Meta will interpret the term “train” as the act of pre-training and/or fine-tuning a large language model. Meta further objects to the phrase “how did you do so?” as it does not specify which actions the interrogatory seeks information about. Meta will interpret the phrase “how did you do so?” as seeking a high-level general description of the way a work like a COGNELLA WORK would be used in the pre-training process of Meta’s LLM MODELS. Meta further objects to this interrogatory as vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent the phrase “[i]dentify and describe each instance in detail” seeks unspecified information about the use of COGNELLA WORKS in pre-training. Meta will interpret this phrase to seek a high-level general description of the way a work like a COGNELLA WORK would be used in the pre-training process of Meta’s LLM MODELS.

1 Subject to and without waiving the foregoing objections, as stated for Interrogatory No. 4,
2 Meta is undertaking a reasonable investigation to identify which COGNELLA WORKS, if any,
3 that were used to pre-train Meta's LLM MODELS and Meta will provide a high-level general
4 description of the way a work like a COGNELLA WORK would be used in the pre-training process
5 of Meta's LLM MODELS. As previously communicated to counsel for COGNELLA, Meta may
6 need additional information, including the text of the COGNELLA WORKS, in order to provide a
7 more complete response to this Interrogatory. Meta will supplement this response on a rolling basis
8 as it identifies responsive information.

9 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5 (AUGUST 24, 2026):**

10 Subject to and without waiving the foregoing objections, and following a reasonable
11 inquiry, Meta further responds as follows:

12 Meta has provided, in response to Interrogatory 7, *infra*, a description of how textual
13 training data (which would include the COGNELLA WORKS identified in response to
14 Interrogatory No. 4) was processed and used in the training process for Meta's models. As
15 described in response to Interrogatory No. 4, *supra*, Meta will provide a listing that shows, for each
16 work file as produced by COGNELLA, an identification of the training dataset and training dataset
17 file, where Meta believes the work (or a substantial portion thereof), is contained. To the best of
18 Meta's knowledge, information and belief, these training files were used in the training of Meta
19 models and thus provides an identification of specific instances in which the identified
20 COGNELLA WORKS were used in training.

21 Meta's investigation is ongoing and Meta will supplement this Interrogatory as additional
22 responsive information becomes available.

23 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5 (SEPTEMBER 4, 2026):**

24 Subject to and without waiving the foregoing objections, and following a reasonable
25 inquiry, Meta further responds as follows:

26 Meta incorporates by reference its previous responses to this Interrogatory. **Exhibit A**
27 provided on August 29, 2026 identifies, for each work, the names of dataset(s) in which each
28 identified work was located and downloaded in Meta's acquisitions of Books3 (b3g), Libgen

1 Fiction, Libgen Scitech, Z-Lib (where applicable). **Exhibit B**, provided with this supplemental
2 response, identifies, for each work, the names of the Common Crawl (cc) datasets in which each
3 identified work was located.

4 Meta states that the b3g dataset was used to train Llama 1 (released February 2023), Llama
5 2 (released July 2023), Llama 3 (released April 2024), and Llama 4 (released April 2025). As such,
6 any work in **Exhibit A** that lists Books3 (b3g) was used in training each of these models. The
7 Libgen Scitech dataset was used to train Llama 3 and 4, and as such, any work in **Exhibit A** that
8 lists a Libgen Scitech dataset was used in training each of those models. The Libgen Fiction dataset
9 was used to train Llama 3 and 4, and as such, any work in **Exhibit A** that lists a Libgen Fiction
10 dataset was used in training each of those models. The Z-Lib dataset was part of Anna’s Archive
11 and first used to train Llama 4, and as such, any work in **Exhibit A** that lists a Z-Lib dataset was
12 used in training Llama 4. Pursuant to Rule 33(d), Meta refers Plaintiff to the “b3g” dataset produced
13 at META_KADREY_DATA_001, the “Libgen” and “Anna’s Archive” datasets produced as part
14 of META_ENTREPRENEUR_DATA_001. Common Crawl datasets were used to train Llama 1
15 through Llama 4.

16 Pursuant to Rule 33(d), Meta identifies the Common Crawl datasets produced by Meta
17 identified by codenames in **Exhibit B**, which were produced at META_KADREY_DATA_002
18 (“c4” and “edouard_cc”), META_KADREY_DATA_002A (“ccnet”), and
19 META_KADREY_DATA_003 (“ccnew_new”). Additionally, **Exhibit D** identifies the works of
20 Plaintiff that were used to train the Muse Spark family of models, the first of which was released
21 in April 2026.

22 Additionally, the training run for each of these models starts from scratch with the model
23 parameters randomly initialized; as a result, to the extent a COGNELLA WORK was used in
24 training a Meta model, that training run represents a separate instance in which text from the work
25 was used. Additionally, prior to the public release of any Meta Llama or Muse model and consistent
26 with standard LLM development practices, a number of internal models are trained for
27 experimental and evaluation purposes including ablation studies, performance benchmarking, and
28 other research to refine the training datamix and hyperparameters for the training run resulting in

1 the model intended for public release. Meta is unable to reliably and reasonably ascertain the
 2 number of research and internal models that were created for these purposes. Additionally, Meta
 3 has also developed and utilized a number of purpose-built variants of its LLMs that serve discrete
 4 internal purposes such as data processing and classification, evaluation of LLM prompts and
 5 responses for safety purposes, and content analysis and filtering.

6 Meta's investigation is ongoing and Meta will supplement this Interrogatory as additional
 7 responsive information becomes available.

8 **INTERROGATORY NO. 6:**

9 IDENTIFY each COGNELLA WORK from which YOU removed or altered any COPYRIGHT
 10 MANAGEMENT INFORMATION.

11 **RESPONSE TO INTERROGATORY NO. 6:**

12 Meta incorporates by reference its objections and definitions above, including to the terms
 13 COGNELLA WORKS, YOU, and COPYRIGHT MANAGEMENT INFORMATION.

14 Meta further objects to this interrogatory as overbroad, unduly burdensome, and
 15 disproportionate to the needs of the case to the extent it seeks information about COGNELLA
 16 WORKS that were not used as part of Meta's pre-training of large language models.

17 Subject to and without waiving the foregoing objections, Meta is undertaking a reasonable
 18 investigation to identify for which COGNELLA WORKS identified in its responses to
 19 Interrogatory Nos. 1 and 2 Meta is able to reasonably determine that COPYRIGHT
 20 MANAGEMENT INFORMATION was removed or altered by Meta. As previously
 21 communicated to counsel for COGNELLA, Meta may need additional information, including the
 22 text of the COGNELLA WORKS, in order to provide a more complete response to this
 23 Interrogatory. Meta will supplement this response on a rolling basis as it identifies responsive
 24 information.

25 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6 (AUGUST 24, 2026):**

26 Subject to and without waiving the foregoing objections, and following a reasonable
 27 inquiry, Meta further responds as follows:
 28

As explained in response to Interrogatory No. 7, *infra*, Meta did employ processes in which repetitive text from books was not included in the training data used for training certain Meta Llama models, including data that commonly appear in works such as “ISBN,” “Copyright,” the copyright symbol ©, “All Rights Reserved,” and “DOI.” Based on Meta’s current understanding and investigation, Meta believes this processing step may have been performed in the processing of at least some COGNELLA WORKS identified in response to Interrogatory No. 4, *supra*. Meta is undertaking a reasonable search of the produced training data to determine if it can more precisely identify particular COGNELLA WORKS to which this processing step was applied. As further explained in response to Interrogatory No. 7, *infra*, Meta did not employ this processing step for scanned and digitized books it used as training data for its Muse models.

Meta’s investigation is ongoing and Meta will supplement this Interrogatory as additional responsive information becomes available.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6 (SEPTEMBER 4, 2026):

Subject to and without waiving the foregoing objections, and following a reasonable inquiry, Meta further responds as follows:

Meta believes that for a substantial majority of the COGNELLA WORKS set forth in Exhibit C, repetitive text was not included in the training data used for training certain Meta Llama models, including data that commonly appear in works such as “ISBN,” “Copyright,” the copyright symbol ©, “All Rights Reserved,” and “DOI.” Meta’s investigation is ongoing and Meta will supplement if appropriate.

INTERROGATORY NO. 7:

Explain what you did with each COGNELLA WORK that YOU obtained from a SHADOW LIBRARY or through WEB SCRAPING or that YOU used, in whole or in part, to train any of YOUR LLM MODELS. For each COGNELLA WORK, your explanation should state whether, when, and how it was:

(a) retained, stored, or preserved;

(b) ingested;

(c) processed;

- 1 (d) tokenized;
- 2 (e) duplicated or reproduced;
- 3 (f) de-duplicated;
- 4 (g) stripped of COPYRIGHT MANAGEMENT INFORMATION;
- 5 (h) modified or altered in any other way;
- 6 (i) distributed;
- 7 (j) torrented;
- 8 (k) incorporated, in whole or in part, into any of YOUR LLM MODELS or model
- 9 parameters; or
- 10 (l) deleted.

11 **RESPONSE TO INTERROGATORY NO. 7:**

12 Meta incorporates by reference its objections and definitions above, including to the terms
 13 COGNELLA WORKS, SHADOW LIBRARY, WEB SCRAPING, COPYRIGHT
 14 MANAGEMENT INFORMATION, YOU, and YOUR LLM MODELS.

15 Meta further objects to this interrogatory as compound because it comprises at least twelve
 16 subparts and would potentially exceed the allowable number of interrogatories under the Federal
 17 Rules of Civil Procedure. Meta further objects to the terms “[e]xplain what you did”, “processed”,
 18 “tokenized”, “stripped”, “modified or altered in any other way”, “incorporated, in whole or in part,
 19 into any of YOUR LLM MODELS or model parameters” as vague and ambiguous. Meta further
 20 objects to this interrogatory to the extent it seeks information sought by Interrogatory Nos. 1-6.
 21 Meta further objects to this interrogatory to the extent it requires Meta to create or re-create
 22 information or data that is not in Meta’s possession, custody, or control.

23 Subject to and without waiving the foregoing objections, as stated for Interrogatory Nos. 1-
 24 6, Meta is undertaking a reasonable investigation to identify which COGNELLA WORKS, if any,
 25 were downloaded and used to pre-train Meta’s LLM MODELS. Meta will provide a high-level
 26 general description of the way a work like a COGNELLA WORK would be utilized by Meta in
 27 conjunction with Meta’s LLM MODELS. As previously communicated to counsel for
 28 COGNELLA, Meta may need additional information, including the text of the COGNELLA

1 WORKS, in order to provide a more complete response to this Interrogatory. Meta will supplement
2 this response on a rolling basis as it identifies responsive information.

3 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7 (AUGUST 24, 2026):**

4 Subject to and without waiving the foregoing objections, and following a reasonable
5 inquiry, Meta further responds as follows:

6 **This response is designated as Highly Confidential - Attorneys' Eyes Only under the**
7 **Protective Order.**

8 As explained in response to Interrogatory No. 3, Meta used publicly-available works that
9 were downloaded from online repositories (in some cases through torrent downloads) and web data,
10 in connection with the research, development, and training of certain AI models. An initial step is
11 to download the files, which are (in the case of books) typically in Portable Document Format
12 (PDF) or Electronic Publication (EPUB) format. Regardless of the format, downloaded files must
13 then be processed into a form suitable for model training. In many instances, the downloaded book
14 files contained a series of scanned pages, which were run through optical character recognition
15 (OCR) to extract textual information from the files. Textual information from the downloaded files
16 was further filtered and processed for quality and de-duplication. In some cases, the processing of
17 the downloaded files resulted in certain text from those files not being included in the data
18 ultimately used for model training. For example, Meta created software scripts to filter out text
19 comprising certain personally identifiable information (PII) (such as email addresses) and repetitive
20 text in book files from certain downloaded data. This repetitive text included (as explained at
21 Meta_Kadrey_00065249), lines that contain fewer than 8% unique words, and repetitive words and
22 phrases that commonly appear in works such as "ISBN," "Copyright," the copyright symbol ©,
23 "All Rights Reserved," and "DOI." *See also* Meta's Response to Interrogatory No. 6, for more
24 specificity. Meta notes that, to the extent other data from the original works was not included in
25 the training data, that fact will be reflected and can be ascertained from the training data produced
26 to Plaintiffs.

27 After the downloading, de-duplication, processing and cleaning processes, the resulting data
28 may then be used as input text for training a large language model (LLM). The LLM training

1 process is a complex one involving numerous steps, including steps of tokenization and
2 embedding. Tokenization generally breaks the input text into smaller units (tokens), which are
3 assigned unique numbers. The embedding process then identifies multi-dimensional vectors
4 (embeddings) for each token in the input sequence, which attempt to capture the meaning of the
5 words in the input text. The training process continues by feeding these word embeddings into the
6 transformer layers of the LLM, to obtain next token probabilities from the neural network, which
7 are compared and used to update the model weights (also commonly referred to as
8 parameters). These training steps are computationally intensive and are repeated billions or even
9 trillions of times (depending on the training dataset size) until the LLM has made predictions about
10 all of the input text in the training dataset. Billions of LLM weights are adjusted throughout this
11 process to improve the model's next-token prediction accuracy. *See* Meta's Response to
12 Interrogatory No. 4, for an identification of the particular COGNELLA WORKS that Meta believes
13 were used (in whole or part) for model training.

14 Once an LLM has been trained and is available to be used, it can be provided to users in a
15 number of ways. For Llama 1 through Llama 4, Meta made these models available for distribution
16 to the open source community for use by researchers, developers, and other third parties, pursuant
17 to applicable open source license agreements. Although the weights in an open source model are
18 distributed and available to the open source community, the underlying text data used to train the
19 LLM was not provided with these models or their model weights. Beginning in or about April
20 2024, Meta also made functionality from Llama broadly available to the general public through
21 Meta AI and incorporated into certain other Meta products.

22 Beginning in or around mid-2025, Meta began acquiring physical copies of books for use
23 in training later LLMs. Many of the processes described above for models trained on downloaded
24 works also apply to these models, with some exceptions. The acquired physical copies were first
25 scanned into digital form and then run through OCR to extract their textual data from the scanned
26 images as discussed above, and then de-duplicated, processed and cleaned, but copyright-related
27 information from these purchased books was not filtered out before being used for model
28 training. In April 2026, Meta introduced the initial version of its Muse Spark model, which is

1 available through certain Meta products and services, and later versions were made available to
2 developers through an application programming interface (API). In August 2026, Meta also made
3 its Muse Glimmer model available for distribution to the open source community for use by
4 researchers, developers, and other third parties, pursuant to an open source license agreement.

5 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7 (SEPTEMBER 4, 2026):**

6 Subject to and without waiving the foregoing objections, and following a reasonable
7 inquiry, Meta further responds as follows:

8 Meta incorporates by reference its previous responses to this Interrogatory. Meta further
9 states that to the extent any work of COGNELLA was used in training a Llama or Muse model,
10 each of the processing, filtering and training steps above would apply to each of those works (with
11 the exception of copyright-related information processing with respect to purchased books for the
12 Muse models). A number of transitory and persistent copies of each of these works would have
13 been created in the conversion and transformation of the original text into the processed form
14 suitable for input into Meta's LLM training pipelines. Additional copies are also made when the
15 processed data is used in a training run, including transitory and intermediate copies made when
16 the processed data (which includes text from the original works) is transformed into tokenized data
17 representations used in the embedding and next-token prediction processes described above. To
18 the extent a work of COGNELLA is used in training a Llama or Muse model, Meta has no feasible
19 way to reliably ascertain the number of additional persistent or transitory copies of text from such
20 work that are made in the course of these processing and training processes. Meta further states
21 that, to the extent Plaintiff contends this interrogatory requires a cataloguing of every conceivable
22 copy of its works that may have been made internally at Meta in connection with its LLM
23 development efforts, this information would be irrelevant and not proportional to the needs of the
24 case. *See Kadrey v. Meta Platforms, Inc.*, 788 F.Supp. 3d 1026, 1048 (N.D. Cal. 2025) ("In any
25 event, even if Meta did download some copies that weren't ultimately used for training, fair use
26 doesn't require that the secondary user make the lowest number of copies possible."). Plaintiff has
27 informed Meta that it seeks only statutory damages in this action and no other form of compensatory
28 monetary relief, and as such, plaintiff can only recover a single award of statutory damages "for all

1 infringements involved in the action, with respect to any one work.” 17 U.S.C. § 504(c)(1); *see*
 2 *also* H.R. Rep. No. 1476, 94th Cong., 2d Sess. at 162 (1976) (“A single infringer of a single work
 3 is liable for a single amount [of statutory damages], no matter how many acts of infringement are
 4 involved in the action and regardless of whether the acts were separate, isolated, or occurred in a
 5 related series.”); *Desire, LLC v. Manna Textiles, Inc.*, 986 F.3d 1253, 1271 (9th Cir. 2021). Meta
 6 further states that to the extent it used any work of COGNELLA in training its LLMs, Meta is
 7 unaware of any uses of such work that were not in furtherance of the research, development,
 8 evaluation and training of its LLMs. Pursuant to Rule 33(d), Meta further refers to the deposition
 9 testimony of James Beldock and Shaun Lindsay given in this action, which provides additional
 10 information about how datasets are acquired and used in the research, development, evaluation and
 11 training of Meta’s LLMs.

12 Meta made open source distributions of Llama 1-4 and Muse Glimmer (in August 2026),
 13 but these distributions include model weights but not the data (including any work of COGNELLA)
 14 used to train the model. Additionally, Meta does not currently have information with respect to
 15 whether any work of COGNELLA (or any portion thereof) was uploaded or distributed to any third
 16 party during downloads via torrent, as the information available to Meta does not identify the
 17 content of data payloads, if any, that may have been uploaded during such downloads. Ascertaining
 18 whether a particular work of COGNELLA (or any portion thereof) was distributed during torrenting
 19 is a matter for an analysis as part of expert discovery. As explained in Meta’s response to
 20 Interrogatory No. 9 (served August 8, 2026), Meta has produced extensive file lists, cost and usage
 21 data, log files, and other data for each torrent download, to facilitate such analysis. Pursuant to
 22 Rule 33(d), Meta further refers to the Rule 30(b)(6) deposition testimony of James Beldock
 23 provided on August 28, 2026 in *Kadrey v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D.
 24 Cal.), which provides additional information relating to the alleged distribution of copyrighted
 25 works during torrent downloads.

26 **INTERROGATORY NO. 8:**

27 For each response to every Request for Admission served on YOU by Plaintiff in this case
 28 that is not an unqualified admission, IDENTIFY the following information:

- 1 (a) The number of the Request for Admission;
2 (b) All facts on which YOU base your response;
3 (c) All PERSONS who have knowledge of those facts; and
4 (d) All DOCUMENTS that support YOUR response along with the custodian of those
5 DOCUMENTS.

6 **RESPONSE TO INTERROGATORY NO. 8:**

7 Meta incorporates by reference its objections and definitions above, including to the terms
8 YOU and DOCUMENTS.

9 Meta further objects to this interrogatory as compound because it comprises multiple
10 subparts and would potentially exceed the allowable number of interrogatories under the Federal
11 Rules of Civil Procedure. Meta will respond to this interrogatory to the extent required by Local
12 Rule 33-2 and 36-2.

13 Meta is willing to meet and confer regarding the appropriate scope, if any, of a response to
14 this interrogatory.

15
16 Dated: September 4, 2026

COOLEY LLP

17
18 By: /s/ Phillip E. Morton
19 Phillip E. Morton

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26
27
28

Author	Title	Downloaded Dataset(s)
San Bolkan	"So, You Are Going to College?!"	Libgen Scitech
Cognella, Inc	7 Essentials For Managing Virtual Teams	Libgen Scitech, Z-Lib
Cognella, Inc	A Basic Approach to Precalculus Trigonometry: Preparing to Succeed in Calculus	Libgen Scitech
Cognella, Inc	A Concise History of Modern Psychology	Internet Archive Lending Library
Cognella, Inc	A Marriage Below Zero: A Novel by Alan Dale Edited with an Introduction by Matthew Kaiser	Z-Lib
Debra J. Rose	A multilevel approach to the study of motor control and learning	Internet Archive Lending Library
Cognella, Inc	A Music Industry Workbook	Internet Archive Lending Library
Cognella, Inc	A Non-Mathematician's Guide to Statistics	Internet Archive Lending Library
Cognella, Inc	A Non-Mathematician's Guide to Statistics (Second Edition)	Internet Archive Lending Library
Anthony Barcellos	A Stroll through Calculus: A guide for the merely curious	Libgen Scitech
Cognella, Inc	A Student's Guide to Stress Management	Internet Archive Lending Library
Cognella, Inc	A Timeline of Western Drama: Scripts from the Classic Period to the 21st Century	Internet Archive Lending Library
Cognella, Inc	A Tutoring Primer: Reading with K-6 Struggling Readers, English Learners, and Families	Internet Archive Lending Library
Dork Sahagian	A User's Guide for Planet Earth: Fundamentals of Environmental Science (Second Edition)	Internet Archive Lending Library
Cognella, Inc	A User's Guide for Planet Earth: Fundamentals of Environmental Science	Internet Archive Lending Library
Deborah Gustlin, Zoe Gustlin	A World Perspective of Art History: Ancient Art History from the First Artists to the 14th Century - Volume One	Internet Archive Lending Library
Sara Safari, Jeffrey Kottler	Above the Mountain's Shadow: A Journey of Hope and Adventure Inspired by the Forgotten	Z-Lib
Cognella, Inc	Adapt and Overcome: Essays on the Student Veteran Experience	Libgen Scitech
Cognella, Inc	Affections and Domesticities: Writings on Victorian Family Life	Internet Archive Lending Library
Cognella, Inc	African Health Secrets	Libgen Scitech
Cognella, Inc	African Roots of the Jazz Evolution (Third Edition)	Libgen Scitech
Cognella, Inc	Africology: An Interdisciplinary Study of Thought and Praxis	Internet Archive Lending Library
Cognella, Inc	African American Women: Living at the Crossroads of Race, Gender, Class, and Culture	Internet Archive Lending Library
Cognella, Inc	African American Women: Living at the Crossroads of Race, Gender, Class, and Culture (Second Edition)	Internet Archive Lending Library
Cognella, Inc	Aging Wisely: A Guide for Helping Professionals	Internet Archive Lending Library
Cognella, Inc	Algorithms in Action	Internet Archive Lending Library
Cognella, Inc	Alien Skies: A Travelogue of the Universe	Libgen Scitech
Cognella, Inc	American Government	Internet Archive Lending Library
Anthony R. Fellow	American Media History: The Story of Journalism and Mass Media (Fourth Edition)	Internet Archive Lending Library
Cognella, Inc	An Atlas of Human Prehistory	Internet Archive Lending Library
Cognella, Inc	An Integrative Approach to Human Geography	Z-Lib
Cognella, Inc	An Introduction to Communication	Internet Archive Lending Library
Cognella, Inc	AN INTRODUCTION TO SOCIOLOGY: ANALYSIS OF THE SOCIAL WORLD	Internet Archive Lending Library
Cognella, Inc	An Introduction to Web Development: A Conceptual Approach	Internet Archive Lending Library

Author	Title	Downloaded Dataset(s)
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CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the California. I am employed in Santa Clara County, State of California. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304. On the date set forth below I served the documents described below in the manner described below:

**DEFENDANT META PLATFORMS, INC.'S FIRST SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES]**



(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

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Kyle Roche (<i>pro hac vice</i>)	Elizabeth Brannen (# 226234)
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Executed on September 4, 2026, at Palo Alto, CA.

/s/ Jocelyn McIntosh

Jocelyn McIntosh