

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HOBBS, et al.,

Plaintiffs,

v.

META PLATFORMS, INC., et al.,

Defendants.

Case No. 1:26-cv-04314-PAE

**DEFENDANT META PLATFORMS, INC.'S
ANSWER TO THE COMPLAINT**

Action Filed: May 22, 2026

Judge: Paul A. Engelmayer

Defendant Meta Platforms, Inc. (“Meta”), by and through counsel, hereby responds to the Complaint filed by Jeff Hobbs and Alfred Douglas Stone (collectively, “Plaintiffs”). Unless specifically admitted, Meta denies each of the allegations in the Complaint. For allegations which refer collectively to “Defendants” on a group-pleading basis, Meta only answers as to Meta. As to group-pleading allegations intended to relate to co-defendants Mark Zuckerberg (“Zuckerberg”), Guillaume Lample (“Lample”), and Joelle Pineau (“Pineau”), Meta refers Plaintiff to any response to the complaint subsequently submitted by those co-defendants

INTRODUCTION¹

1. Meta admits that it rebranded Facebook to Meta in 2021 to reflect all of its products and services across its family of apps and a focus on developing social experiences for the metaverse – moving beyond 2D screens towards immersive experiences, such as augmented and virtual reality to help build the next evolution in social technology. Meta further admits that it has created a series of generative AI large language models (“LLMs”) under the name Llama. Except as expressly admitted, Meta denies the allegations in Paragraph 1.

2. Meta admits that it has created a series of LLMs under the name Llama and that it has invested billions of dollars to develop its generative AI offerings. Meta further admits that it used publicly available data to research, develop, and train its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 2.

3. Meta denies the allegations in Paragraph 3.

4. The allegations in Paragraph 4 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it used publicly

¹ Meta includes headings as listed in the Complaint for convenience only, and denies any allegations therein.

available data to research, develop, and train its Llama models. Meta further admits that it did not obtain a license for the use of works Plaintiffs are asserting in this action. Except as expressly admitted, Meta denies the allegations in Paragraph 4, including any implication as to the validity of Plaintiffs' or the Class's claimed copyrights.

5. The allegations in Paragraph 5 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it used publicly available data to research, develop, and train its Llama models. Meta further admits that it did not obtain a license for the use of works Plaintiffs are asserting in this action. Except as expressly admitted, Meta denies the allegations in Paragraph 5, including any implication as to the validity of Plaintiffs' or the Class's claimed copyrights.

6. The allegations in Paragraph 6 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it downloaded portions of certain publicly available data sets through direct download and by torrenting and that, during the course of its downloading of certain portions of publicly available datasets via torrenting, some data was uploaded. Meta further admits it has removed repetitive text from certain training data for its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 6, including any implication as to the validity of Plaintiffs' or the Class's claimed copyrights.

7. The allegations in Paragraph 7 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it contacted certain publishers and internally discussed licensing certain types of data to train its Llama models, and that, in some cases, ultimately decided to train its Llama models using publicly available data. Except as expressly admitted, Meta denies the allegations in Paragraph 7.

8. Meta admits that Joelle Pineau was Meta's Vice President of AI Research and oversaw the development of Meta's Llama 1 model. Meta further admits that Guillaume Lample was a research scientist at Meta, that data from LibGen was downloaded in or around 2022, and that Defendant Lample was involved in that download. Except as expressly admitted, Meta denies the allegations in Paragraph 8. Meta lacks knowledge and information sufficient to form a belief as to the allegations pertaining to third parties.

9. Meta denies the allegations in Paragraph 9.

10. The allegations in Paragraph 10 contain Plaintiffs' stated litigation strategy, legal conclusions, or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 10.

11. Meta denies the allegations in Paragraph 11 pertaining to Meta, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights. Meta lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 11.

12. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 12.

13. Meta admits that it downloaded portions of certain publicly available data sets through direct download and by torrenting. Meta further admits that, during the course of its downloading of certain portions of publicly available datasets via torrenting, some data was uploaded. Except as expressly admitted, Meta denies the allegations in Paragraph 13 pertaining to Meta. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 pertaining to third parties.

14. The allegations in this paragraph state legal conclusions to which no response is

required. To the extent a response is required, Meta admits that it has done revenue projections related to certain products that utilize AI. Except as expressly admitted, Meta denies the allegations in Paragraph 14.

15. Meta admits that its Llama models can create text outputs in response to user prompts. Meta further admits that certain of its employees made comments related to certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 15.

16. The allegations in Paragraph 16 contain Plaintiffs' stated litigation strategy, legal conclusions, and recitations of the relief sought, to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 16, and denies that the relief sought is appropriate or that Plaintiffs are entitled to any relief in this action.

JURISDICTION AND VENUE

17. The allegations in this paragraph contain legal conclusions to which no response is required. To the extent a response is required, Meta admits that this action purports to assert claims based upon the copyright laws of the United States, 17 U.S.C. § 101 et seq., and that the Court has original subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a), provided that standing and other requirements are met. Except as expressly admitted, Meta denies the allegations in Paragraph 17.

18. The allegations in this paragraph contain legal conclusions to which no response is required. To the extent a response is required, Meta admits that the Court has jurisdiction over this action pursuant to the Class Action Fairness Act, 28 U.S.C. § 1331 and 1338(a), provided that standing and other requirements are met. Except as expressly admitted, Meta denies the allegations in Paragraph 18, including a denial that this action is suitable for class treatment

19. The allegations in this paragraph contain legal conclusions to which no response

is required. To the extent a response is required, Meta admits that the Court has supplemental jurisdiction under Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367, provided that certain requirements are met. Except as expressly admitted, Meta denies the allegations in Paragraph 19.

20. The allegations in this paragraph contain legal conclusions to which no response is required. To the extent a response is required, Meta admits that venue is proper in this judicial district, though Meta believes that this action ought to be transferred to the Northern District of California for substantially the same reasons set forth in Meta's motion to transfer venue in *Elsevier Inc. v. Meta Platforms, Inc.*, Case No. 1:26-cv-03689-PKC (ECF Nos. 60, 82). Except as expressly admitted, Meta denies the allegations in Paragraph 20.

21. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Meta does not dispute specific personal jurisdiction in the S.D.N.Y. for the purposes of this action only. Meta further admits that it has maintained offices in New York; that it has employees located in New York; and that some employees that work on AI technology at Meta work in Meta's New York City offices. Except as expressly admitted, Meta denies the allegations in Paragraph 24.

25. The allegations in Paragraph 25 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that Defendant Zuckerberg is the

founder, chairman, CEO, and controlling shareholder of Meta. Except as expressly admitted, Meta denies the allegations in Paragraph 25. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations pertaining to Defendant Zuckerberg's state of mind.

26. The allegations in Paragraph 26 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that Defendant Lample worked on the development of certain of Meta's Llama models and that Defendant Lample was involved in the download of data from LibGen in or around 2022. Except as expressly admitted, Meta denies the allegations in Paragraph 26.

27. The allegations in Paragraph 27 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that Defendant Pineau worked on the development of certain of Meta's Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 27.

PARTIES

28. Meta admits that it obtained publicly available data to research, develop, and train its Llama models. Meta further admits that it did not obtain a license for the use of works Plaintiff Hobbs claims in this action to have authored. Except as expressly admitted, Meta denies the allegations in Paragraph 28 pertaining to Meta. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 pertaining to Plaintiff Hobbs, including any implication as to the validity of Plaintiff Hobbs' claimed copyrights.

29. Meta admits that it obtained publicly available data to research, develop, and train its Llama models. Meta further admits that it did not obtain a license for the use of works Plaintiff Stone is claiming in this action. Except as expressly admitted, Meta denies the allegations in Paragraph 29 pertaining to Meta. Meta lacks knowledge or information sufficient to form a belief

as to the truth of the allegations in Paragraph 29 pertaining to Plaintiff Stone, including any implication as to the validity of Plaintiff Stone's claimed copyrights.

30. Meta admits that it is a Delaware corporation with its principal place of business in Menlo Park, California. Meta further admits that it operates a company that builds technology, including its Llama series of LLMs, and that it has incorporated technology based on its Llama models into some of its other products and services. Except as expressly admitted, Meta denies the allegations in Paragraph 30.

31. Meta admits that Defendant Zuckerberg is the founder, chairman, CEO, and controlling shareholder of Meta and has an office located in Menlo Park, California. Meta further admits that certain employees have commented regarding the use of data sourced from certain websites to train its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 31. Meta lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 31, which pertain to Defendant Zuckerberg's state of mind.

AGENTS AND CO-CONSPIRATORS

32. The allegations in Paragraph 32 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that Defendant Pineau is a former employee who worked on the development of certain of Meta's Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 32.

33. The allegations in Paragraph 33 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that Defendant Lample is a former employee who worked on the development of certain of Meta's Llama models. Meta further admits that data from LibGen was downloaded in or about October 2022. Except as expressly admitted, Meta denies the allegations in Paragraph 33.

34. The allegations in Paragraph 34 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 34.

35. Meta denies the allegations in Paragraph 35.

36. The allegations in Paragraph 36 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that Defendant Lample is a former employee who worked on the development of certain of Meta's Llama models.

FACTUAL ALLEGATIONS

Written Works Are Vital and Meta Targeted them for Theft

37. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 37. To the extent the allegations set forth in this paragraph purport to summarize or characterize Article I, Section 8 of the Constitution, it speaks for itself.

38. Meta admits that certain of its employees commented on the use of books data, among other materials, to train certain Meta's Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 38.

39. Meta admits that it used many different types of publicly available data, including books data, to research, develop, and train its Llama models. Meta admits that its Llama models have been trained using training datasets composed of large amounts of text data and that data can be used to pretrain and finetune its Llama models and to assess the general knowledge and expressive abilities of models. To the extent the allegations set forth in this paragraph purport to summarize or characterize expert reports filed in the matter *Kadrey v. Meta Platforms, Inc.*, 3:23-cv-03417-VC-TSH, those documents speak for themselves. Except as expressly admitted, Meta denies the allegations in Paragraph 39.

40. Meta admits that it used many different types of publicly available data, including books data, to research, develop, and train its Llama models. Meta admits that its Llama models have been trained using training datasets composed of large amounts of text data and that data can be used to pretrain and finetune its Llama models and to assess the general knowledge and expressive abilities of models. Meta further admits that certain of its employees commented on the use of books data to train its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 40.

41. Meta admits that its Llama models have been trained using training datasets composed of large amounts of text data and that data can be used to pretrain and finetune its Llama models and to assess the general knowledge and expressive abilities of models. Except as expressly admitted, Meta denies the allegations in Paragraph 41.

42. Meta admits that its Llama models have been trained using training datasets composed of large amounts of text data, including books data. Except as expressly admitted, Meta denies the allegations in Paragraph 42.

43. Meta admits that its Llama models have been trained using training datasets composed of large amounts of text data. Except as expressly admitted, Meta denies the allegations in Paragraph 43. To the extent the allegations set forth in this paragraph purport to summarize or characterize the document titled “Deep Dive,” the document speaks for itself.

44. Meta further admits that it obtained publicly available data, including books data, to research, develop, and train its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 44.

45. Meta admits that certain of its employees commented regarding the use of data to train certain of its Llama models. To the extent Paragraph 45 purports to characterize or

summarize the testimony of Eugene Nho, a Meta employee, the testimony speaks for itself. Except as expressly admitted, Meta denies the allegations in Paragraph 45.

46. To the extent Paragraph 46 purports to characterize or summarize the testimony of Yann LeCun, a former Meta employee, the testimony speaks for itself. Except as expressly admitted, Meta denies the allegations in Paragraph 46.

47. Meta admits that certain of its employees commented regarding certain of Meta's Llama models and the use of data used to train certain of its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 47.

48. Meta denies the allegations in Paragraph 48. To the extent the allegations in Paragraph 48 purport to summarize or characterize documents containing the quote "Books strategy: libgen [in progress] - FREE," those documents speak for themselves.

Meta Abandons Licensing and Chooses Piracy

49. Meta admits that it contacted certain publishers, internally discussed licensing certain types of data to train its Llama models, and ultimately, in some cases, decided to train its Llama models using publicly available data. Except as expressly admitted, Meta denies the allegations in Paragraph 49. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 49 pertaining to third parties.

50. Meta admits that it contacted certain publishers, internally discussed licensing certain types of data to train its Llama models, and ultimately decided to train some of its Llama models using publicly available data. Meta admits that certain of its employees commented regarding the licensing of documents to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 50.

51. Meta admits that it obtained publicly available data to research, develop, and train its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 51.

52. To the extent Paragraph 52 purports to characterize or summarize the testimony of Michael Clark, a former Meta employee, the testimony speaks for itself. Except as expressly admitted, Meta denies the allegations in Paragraph 52.

53. Meta admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 53.

54. Meta admits that it trained some of its Llama models using data that was included in Books3. Meta further admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 54.

55. Meta denies the allegations in Paragraph 55. To the extent the allegations in Paragraph 55 purport to summarize or characterize documents containing the quote “Our research vision presents a unique opportunity to be the leader of Generative AI by taking a different . . . approach than the rest of the industry, namely by being open and by building a strong research and developer community around our technology,” those documents speak for themselves.

56. Meta denies the allegations in Paragraph 56.

Torrenting Enables Widespread Piracy

57. Meta admits that it contacted certain publishers, internally discussed licensing certain types of data to train its Llama models, and ultimately decided to train some of its Llama models using publicly available data. Except as expressly admitted, Meta denies the allegations in Paragraph 57.

58. Meta admits that some data from LibGen was downloaded in or about October 2022; that some data from LibGen was downloaded in or around spring 2023 and used to research, develop, and train certain of Meta’s Llama models; and that Meta obtained some data from publicly available sources such as Anna’s Archive and Z Library, which were utilized to research, develop, and train certain Llama models. Meta further admits that it has removed repetitive text from certain training data for its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 58, including any implication as to the validity of Plaintiffs’ and the Class’s claimed copyrights.

59. The allegations in this paragraph contain a description of “torrenting” and legal conclusions to which no response is required. To the extent this paragraph is intended to pertain specifically to Meta, Meta admits it downloaded portions of publicly available datasets through direct download and by torrenting. Except as expressly admitted, Meta denies the allegations in Paragraph 59, including any implication as to the validity of Plaintiffs’ and the Class’s claimed copyrights. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 59 pertaining to third parties.

60. The allegations in this paragraph contain a description of “torrenting” and legal conclusions to which no response is required. To the extent this paragraph is intended to pertain specifically to Meta, Meta admits it downloaded portions of publicly available datasets through direct download and by torrenting. Except as expressly admitted, Meta denies the allegations in Paragraph 60.

61. The allegations in this paragraph contain a description of “torrenting” and legal conclusions to which no response is required. To the extent this paragraph is intended to pertain specifically to Meta, Meta admits it downloaded portions of publicly available datasets through

direct download and by torrenting. Except as expressly admitted, Meta denies the allegations in Paragraph 61. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 61 pertaining to third parties.

62. The allegations in this paragraph contain a description of “torrenting” and legal conclusions to which no response is required. To the extent this paragraph is intended to pertain specifically to Meta, Meta admits that it downloaded portions of certain publicly available data sets through direct download and by torrenting. Meta further admits that, during the course of its downloading of certain portions of publicly available datasets via torrenting, some data was uploaded. Except as expressly admitted, Meta denies the allegations in Paragraph 62.

63. The allegations in this paragraph contain a description of “torrenting” and legal conclusions to which no response is required. To the extent this paragraph is intended to pertain specifically to Meta, Meta admits that it downloaded portions of certain publicly available data sets through direct download and by torrenting. Meta further admits that, during the course of its downloading of certain portions of publicly available datasets via torrenting, some data was uploaded. Except as expressly admitted, Meta denies the allegations in Paragraph 63.

Defendants Illegally Torrented Millions of Copyrighted Works

64. Meta admits that it obtained data from publicly available sources such as CommonCrawl, CCNet, C4, Books3, LibGen, Anna’s Archive, Z-Library, and SciHub for purposes of researching, developing, and training some of its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 64, including any implication as to the validity of Plaintiffs’ and the Class’s claimed copyrights.

65. The allegations in Paragraph 65 contain legal conclusions to which no response is required. To the extent the allegations set forth in this paragraph summarize or characterize court filings in various actions, the documents speak for themselves.

66. The allegations in Paragraph 66 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that data from LibGen was downloaded in 2022 for purposes of researching, developing, and training Llama 1, but that Llama 1 was not trained on any data from LibGen. Meta further admits that it downloaded portions of certain publicly available datasets, including LibGen, through direct download and by torrenting, for purposes of researching, developing, and training certain of its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 66, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

67. The allegations in Paragraph 67 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that it made copies of text data for the purposes of researching, developing, and training certain of its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 67.

68. Meta admits that it obtained data from publicly available sources such as LibGen for purposes of researching, developing, and training some of its Llama models. Meta further admits that certain employees have commented regarding the use of data sourced from certain websites to train its Llama models. To the extent the allegations in Paragraph 68 purport to summarize or characterize documents containing the quote "[a]fter a prior escalation to MZ," those documents speak for themselves. Except as expressly admitted, Meta denies the allegations in Paragraph 68 pertaining to Meta.

69. Meta admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 69.

70. Meta admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 70.

71. The allegations in Paragraph 71 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 71.

72. Meta admits that it downloaded certain portions of publicly available datasets through direct download and by torrenting. Except as expressly admitted, Meta denies the allegations in Paragraph 72. Meta lacks knowledge and information sufficient to form a belief as to the allegations in Paragraph 72 pertaining to unidentified “other Meta executives.”

73. Meta admits that it obtained data from publicly available sources such as Internet Archive, Z-Library, and LibGen for purposes of researching, developing, and training certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 73.

74. Meta admits that it obtained data from publicly available sources such as Internet Archive, Z-Library, and LibGen for purposes of researching, developing, and training certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 74.

75. Meta admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 75.

76. Meta admits that it downloaded data from LibGen through direct download and by torrenting, and that data was used to research, develop, and train certain of Meta’s Llama

models. Meta further admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 76.

77. Meta admits that it obtained data from publicly available sources such as Anna's Archive. Except as expressly admitted, Meta denies the allegations in Paragraph 77.

78. Meta admits that it downloaded data from LibGen on more than one occasion. To the extent Paragraph 78 purports to characterize or summarize the testimony of Chaya Nayak, a former Meta employee, the testimony speaks for itself. Except as expressly admitted, Meta denies the allegations in Paragraph 78.

By Choosing Not to Adjust the Settings, Meta Distributes Millions of Copyrighted Works Through BitTorrent

79. The allegations in this paragraph contain a general description of "torrenting" and legal conclusions to which no response is required. To the extent a response is required, Meta admits that it used BitTorrent to download certain portions of certain publicly available datasets. Except as expressly admitted, Meta denies the allegations in Paragraph 79.

80. The allegations in this paragraph contain a general description of "torrenting" and legal conclusions to which no response is required. To the extent a response is required, Meta admits that it downloaded portions of LibGen through direct download and by torrenting using the BitTorrent protocol. Meta further admits that, during the course of its downloading of certain portions of publicly available datasets via BitTorrent, some data was uploaded. Except as expressly admitted, Meta denies the allegations in Paragraph 80. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 80 pertaining to third parties.

81. Meta admits that it used BitTorrent to download certain portions of certain publicly available datasets. Meta further admits that, during the course of its downloading of certain portions of publicly available datasets via BitTorrent, some data was uploaded. Except as expressly admitted, Meta denies the allegations in Paragraph 81. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 81 pertaining to third parties.

***Meta Stripped Copyright Management Information to Conceal Its Theft
In Violation The DMCA***

82. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Meta admits that it downloaded portions of LibGen through direct download and by torrenting. Meta further admits that it created a script to remove repetitive text from the training data for its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 82, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

83. Meta admits that it created a script to remove repetitive text from certain training data for its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 83, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

84. The allegations in Paragraph 84 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that it has removed repetitive text from certain training data for its Llama models, and that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 84, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

85. Meta admits that its engineers discussed Llama's answers to prompts asking about the model's training. Except as expressly admitted, Meta denies the allegations in Paragraph 85.

86. Meta denies the allegations in Paragraph 86. To the extent Paragraph 86 purports to characterize or summarize the testimony of David Esiobu, a former Meta employee, the testimony speaks for itself.

87. Meta denies the allegations in Paragraph 87. To the extent Paragraph 87 purports to characterize or summarize the testimony of David Esiobu, a former Meta employee, the testimony speaks for itself.

88. Meta denies the allegations in Paragraph 88.

89. The allegations in Paragraph 89 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 89. To the extent Paragraph 89 summarizes or characterizes the Digital Millennium Copyright Act, the Act speaks for itself.

Meta Made Multiple Unauthorized Copies During Training

90. The allegations in Paragraph 90 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 90. To the extent the allegations in Paragraph 90 purport to summarize or characterize documents by the U.S. Patent and Trademark Office, those documents speak for themselves.

91. The allegations in Paragraph 91 contain general descriptions related to LLM training to which no response is required. To the extent a response is required, Meta admits that it made copies of text data for the purposes of researching, developing, and training certain of its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 91 pertaining to Meta.

92. Meta admits that it obtained publicly available data, portions of which were utilized to research, develop, and train its Llama models. To the extent the allegations set forth in this paragraph purport to summarize or characterize the paper “LLaMA: Open and Efficient Foundation Language Models” (“Llama 1 Paper”), accessible at <https://arxiv.org/pdf/2302.13971>, the document speaks for itself. To the extent the allegations set

forth in this paragraph purport to summarize or characterize documents containing the quotes “+640B tokens of books, articles, and creative” and “May give us a long-context boost,” those documents speak for themselves. Except as expressly admitted, Meta denies the allegations in Paragraph 92.

Market Dilution and Indirect Substitution

93. Meta admits that it made copies of text data for the purposes of researching, developing, and training certain of its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 93.

94. Meta denies the allegations in Paragraph 94.

95. Meta denies the allegations in Paragraph 95 pertaining to Meta. Meta lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 95, including any implication of the validity of Plaintiffs’ and the Class’s claimed copyrights.

96. Meta admits that The Authors Guild sent an open letter to Meta’s CEO. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 96 pertaining to third parties.

97. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 97.

98. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 98.

99. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 99.

100. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 100.

101. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 101.

102. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 102.

103. The allegations in this paragraph contain legal conclusions to which no response is required. To the extent a response is required, Meta admits that it obtained publicly available data, portions of which were utilized to research, develop, and train certain of Meta's Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 103.

The Discarding of Stolen Works – Use and Non-Use

104. Meta denies the allegations in Paragraph 104.

105. Meta admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 105.

106. Meta denies the allegations in Paragraph 106.

107. Meta denies the allegations in Paragraph 107. To the extent the allegations set forth in this paragraph purport to summarize or characterize internal Meta documents containing the quote "FREE," those documents speak for themselves

Individual Defendant Liability

Mark Zuckerberg

108. Meta denies the allegations in Paragraph 108. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations pertaining to Defendant

Zuckerberg's state of mind.

109. Meta admits that it obtained publicly available data, portions of which were utilized to research, develop, and train Meta's Llama models. Meta further admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 109.

110. Meta denies the allegations in Paragraph 110.

The Well-Developed Licensing Market That Defendants Usurped

111. Meta lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 111.

112. Meta admits that it has entered into AI-related agreements with certain companies. Meta further admits that it internally discussed licensing certain types of data to train its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 112.

113. Meta denies the allegations in Paragraph 113.

114. Meta admits that certain of its employees commented regarding the use of data sourced from certain websites to train certain Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 114.

115. Meta denies the allegations in Paragraph 115. To the extent Paragraph 115 purports to characterize or summarize the testimony of Sy Choudhury, a Meta employee, the testimony speaks for itself.

116. The allegations in Paragraph 116 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it obtained data from publicly available sources such as Anna's Archive. Except as expressly admitted, Meta denies the allegations in Paragraph 116. To the extent the allegations set forth in this paragraph purport

to summarize or characterize internal Meta documents containing the quotes “the world’s largest shadow libraries” and “long-term seeding and accessibility of torrents,” those documents speak for themselves.

Meta’s Llama Models Are Commercially Deployed at Massive Scale

117. Meta admits that, beginning with Llama 2, it has incorporated technology based on Llama into its other products and services, including Facebook, Instagram, WhatsApp, and Meta’s smart glasses. Except as expressly admitted, Meta denies the allegations in Paragraph 117. To the extent Paragraph 117 purports to characterize or summarize the testimony of Arun Rao, a former Meta employee, the testimony speaks for itself.

118. To the extent Paragraph 118 purports to characterize or summarize the testimony of Arun Rao, a former Meta employee, the testimony speaks for itself. To the extent the allegation in Paragraph 118 purport to summarize or characterize the Llama 3 model card, accessible at <https://developer.meta.com/ai/docs/model-cards-and-prompt-formats/meta-llama-3/>, the model card speaks for itself.

119. Meta admits that it has done revenue projections related to its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 119. To the extent the allegation in Paragraph 119 purport to summarize or characterize an internal Meta document containing the quote “Llama as a competitive advantage and value flowing back to Meta,” the document speaks for itself.

120. Meta denies the allegations in Paragraph 120. To the extent Paragraph 120 purports to characterize or summarize the testimony of Yann LeCun, a former Meta employee, the testimony speaks for itself.

121. Meta denies the allegations in Paragraph 121. To the extent Paragraph 121

purports to characterize or summarize a public statement by Defendant Zuckerberg, accessible at https://www.facebook.com/zuck/posts/10116307989894321?ref=embed_post, the document speaks for itself.

CLASS ALLEGATIONS

122. The allegations in Paragraph 122 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies that this action is suitable for class treatment under Rule 23.

123. The allegations in Paragraph 123 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies that it possesses information concerning the exact number of members of Plaintiffs' putative class and denies that this action is suitable for class treatment under Rule 23. Meta lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 123.

124. The allegations in Paragraph 124 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies that this action is suitable for class treatment under Rule 23.

125. The allegations in Paragraph 125 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 125.

126. The allegations in Paragraph 126 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 126.

127. The allegations in Paragraph 127 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 127.

128. The allegations in Paragraph 128 state legal conclusions or arguments to which no

response is required. To the extent a response is required, Meta denies the allegations in Paragraph 128.

129. The allegations in Paragraph 129 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies that this action is suitable for class treatment under Rule 23.

130. The allegations in Paragraph 130 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies that this action is suitable for class treatment under Rule 23.

131. The allegations in Paragraph 131 contain Plaintiffs' stated litigation strategy or arguments to which no response is required. To the extent a response is required, Meta denies that this action is suitable for class treatment under Rule 23.

COUNT 1
Direct Copyright Infringement (Reproduction)
17 U.S.C. §§ 106, 501

132. Meta incorporates by reference its responses to Paragraphs 1 through 131 above as though fully set forth herein.

133. Meta admits that Plaintiffs purport to own registered copyrights in the works at issue in this action. Except as expressly admitted, Meta denies the allegations in Paragraph 133, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

134. The allegations in Paragraph 134 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it did not obtain a license for the use of works Plaintiff Hobbs claims in this action to have authored. Except as expressly admitted, Meta denies the allegations in Paragraph 134, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

135. The allegations in Paragraph 135 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in

Paragraph 135, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

136. The allegations in Paragraph 136 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 136, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

137. The allegations in Paragraph 137 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it obtained data from publicly available sources such as CommonCrawl, CCNet, and C4, and that this data was used to develop and train Meta's Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 137, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

138. The allegations in Paragraph 138 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 138, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

139. The allegations in Paragraph 139 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 139, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

140. The allegations in Paragraph 140 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 140 and denies that Plaintiffs and the Class are entitled to any relief in this action.

COUNT II
Direct Copyright Infringement (Distribution)
17 U.S.C. §§ 106, 501

141. Meta incorporates by reference its responses to Paragraphs 1 through 140 above as though fully set forth herein.

142. Meta admits that Plaintiffs purport to own registered copyrights in the works at issue in this action. Except as expressly admitted, Meta denies the allegations in Paragraph 142, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

143. The allegations in Paragraph 143 state legal conclusions to which no response is required. To the extent a response is required, Meta admits that it did not obtain a license for the use of works Plaintiff Hobbs claims in this action to have authored. Except as expressly admitted, Meta denies the allegations in Paragraph 143, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

144. The allegations in Paragraph 144 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 144, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

145. The allegations in Paragraph 145 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 145, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

146. The allegations in Paragraph 146 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 146, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

147. The allegations in Paragraph 147 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 147 and denies that Plaintiffs and the Class are entitled to any relief in this action.

COUNT III
Contributory Copyright Infringement
17 U.S.C. §§ 501

148. Meta incorporates by reference its responses to Paragraphs 1 through 147 above as though fully set forth herein.

149. Meta admits that Plaintiffs purport to own registered copyrights in the works at issue in this action. Except as expressly admitted, Meta denies the allegations in Paragraph 149, including any implication of the validity of Plaintiffs' claimed copyrights.

150. The allegations in Paragraph 150 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it did not obtain a license for the use of works Plaintiff Hobbs claims in this action to have authored. Except as expressly admitted, Meta denies the allegations in Paragraph 150, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

151. The allegations in Paragraph 151 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 151. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to Defendant Lample's state of mind.

152. The allegations in Paragraph 152 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 152. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to Defendant Lample's state of mind.

153. The allegations in Paragraph 153 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 153, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to third parties.

154. The allegations in Paragraph 154 state legal conclusions to which no response is

required. To the extent a response is required, Meta denies the allegations in Paragraph 154, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to third parties.

155. The allegations in Paragraph 155 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 155. Meta lacks knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to third parties.

156. The allegations in Paragraph 156 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 156, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

157. The allegations in Paragraph 157 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 157 and denies that Plaintiffs and the Class are entitled to any relief in this action.

COUNT IV
Removal of Copyright Management Information
17 U.S.C. §§ 1202

158. Meta incorporates by reference its responses to Paragraphs 1 through 157 above as though fully set forth herein.

159. The allegations in Paragraph 159 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 159, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights. The allegations in Paragraph 160 state legal conclusions or arguments to which no response is required.

160. To the extent a response is required, Meta denies the allegations in Paragraph 160,

including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

161. The allegations in Paragraph 161 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it has removed repetitive text from certain training data for its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 161, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

162. The allegations in Paragraph 162 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta admits that it has removed repetitive text from certain training data for its Llama models. Except as expressly admitted, Meta denies the allegations in Paragraph 162, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

163. The allegations in Paragraph 163 state a legal conclusion to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 163.

164. The allegations in Paragraph 164 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 164, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

165. The allegations in Paragraph 165 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 165 and denies that Plaintiffs and the Class are entitled to any relief in this action.

COUNT V
Unfair Competition
(New York Common Law)

166. Meta incorporates by reference its responses to Paragraphs 1 through 165 above as though fully set forth herein.

167. The allegations in Paragraph 167 state legal conclusions or arguments to which no

response is required. To the extent a response is required, Meta denies the allegations in Paragraph 167.

168. The allegations in Paragraph 168 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 168.

169. The allegations in Paragraph 169 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 169.

170. The allegations in Paragraph 170 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 170 and denies that Plaintiffs and the Class are entitled to any relief in this action.

COUNT VI
Conversion
(New York Common Law)

171. Meta incorporates by reference its responses to Paragraphs 1 through 170 above as though fully set forth herein. Meta admits that Plaintiffs purport to own registered copyrights in the works at issue in this action.

172. Except as expressly admitted, Meta denies the allegations in Paragraph 172, including any implication of the validity of Plaintiffs' and the Class's claimed copyrights.

173. The allegations in Paragraph 173 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 173, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

174. The allegations in Paragraph 174 state legal conclusions or arguments to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 174, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

175. The allegations in Paragraph 175 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 175 and denies that Plaintiffs and the Class are entitled to any relief in this action.

COUNT VII
Unjust Enrichment
(New York Common Law)

176. Meta incorporates by reference its responses to Paragraphs 1 through 175 above as though fully set forth herein.

177. The allegations in Paragraph 177 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 177, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

178. The allegations in Paragraph 178 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 178, including any implication as to the validity of Plaintiffs' and the Class's claimed copyrights.

179. The allegations in Paragraph 179 state legal conclusions to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 179.

180. The allegations in Paragraph 180 state a legal conclusion and recitations of the relief sought by Plaintiffs and the Class to which no response is required. To the extent a response is required, Meta denies the allegations in Paragraph 180, denies that the relief sought is appropriate, and denies that Plaintiffs and the Class are entitled to any relief in this action.

PRAYER FOR RELIEF

A. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

B. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

C. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

D. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

E. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

F. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

G. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

H. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that

the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

I. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

J. The allegations in this paragraph contain recitations of the relief sought by Plaintiffs to which no response is required. To the extent a response is required, Meta denies that the relief sought is appropriate and denies that Plaintiffs or the Class are entitled to any relief in this action.

AFFIRMATIVE DEFENSES

Meta asserts that Plaintiffs' claims are barred, in whole or in part, by the defenses set forth herein. By setting forth these defenses, Meta does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiffs. Meta reserves the right to plead any and all defenses that may be evident or revealed after investigation and discovery in this matter.

FIRST AFFIRMATIVE DEFENSE

To the extent that Meta made any unauthorized copies of Plaintiffs' registered copyrighted works in connection with the training and development of its LLMs, or otherwise exercised any rights provided for under 17 U.S.C. § 106, such uses constitute fair use under 17. U.S.C. § 107.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs allege infringement with respect to literary works that were allegedly included as part of the training datasets used to train Meta's Llama models, including Books3, LibGen, Z-Lib, and Internet Archive. To the extent the accused datasets include works in the public domain, unregistered works, works to which copyright protection has been abandoned, works that lack requisite originality, works that are not subject to copyright protection under the doctrines of

merger, *scènes à faire* or under 17 U.S.C. § 102(b) or otherwise unprotectable under the law, or works that are subject to estoppel or other equitable defenses, or works that were not properly registered or renewed, provided improper notice, and/or did not comply with registration requirements and/or with other necessary formalities, Meta reserves its right to defend against Plaintiffs' claims on any or all of these grounds.

THIRD AFFIRMATIVE DEFENSE

Some or all of Plaintiffs' claims are barred for lack of standing to the extent certain of the Plaintiffs do not own the copyright or does not own one or more of the rights afforded under 17 U.S.C. § 106 for some or all of the works, did not suffer sufficient cognizable injury to confer Article III standing, and/or otherwise lack standing to assert the claims herein.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claim for removal of copyright management information is barred because Meta did not know or have reasonable grounds to know that its actions would induce, enable, facilitate, or conceal an infringement; its actions did not induce, enable, facilitate, or conceal an infringement; and Plaintiffs lack concrete injury proximately caused by any such action and, therefore, lack standing to assert that claim.

FIFTH AFFIRMATIVE DEFENSE

To the extent Meta uploaded portions of copyrighted works in the context of downloading training datasets via bit torrent, any such reproduction was *de minimis* and did not result in the creation of an identifiable or usable copy of any copyrighted work.

SIXTH AFFIRMATIVE DEFENSE

Some or all of Plaintiffs' claims are bared under the doctrines of copyright misuse and unclean hands to the extent that Plaintiffs' asserted works quote from, copy, or otherwise incorporate works of others without permission; to the extent the asserted works are derivative of or copy preexisting works, including works undisclosed in Plaintiffs' copyright filings with the U.S. Copyright Office; and to the extent Plaintiffs misstated or overstated their claims of

copyright ownership.

SEVENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs seek excessive statutory damages under their claims that are disproportional to the alleged legal violations, such damages are barred by the Due Process Clause of the Fifth Amendment.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' remedies are barred at least in part by the doctrine of laches or the applicable statute of limitations to the extent the claims are based on acts that occurred three or more years prior to the filing of this lawsuit.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from recovery of damages because of and to the extent of their failure to mitigate their damages, if any.

TENTH AFFIRMATIVE DEFENSE

Meta did not engage in any volitional conduct capable of supporting a claim of direct copyright infringement.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims fail, in whole or in part, because the alleged damages, if any, were the result of one or more intervening or superseding causes or caused by the acts and/or omissions of persons other than Meta.

JURY TRIAL DEMAND

Meta hereby demands a trial by jury on all claims, counterclaims, defenses, and issues in this action so triable.

Dated: August 26, 2026

By: /s/ Karen L. Dunn
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Karen L. Dunn (NY Bar# 4498028)
Jessica E. Phillips (*pro hac vice forthcoming*)
Kyle N. Smith (NY Bar# 5075940)
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DEFENDANT META PLATFORMS, INC. ANSWER TO THE COMPLAINT
Case No. 1:26-cv-04314-PAE

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