LATHAM & WATKINS LLP
Andrew M. Gass (SBN 259694)
andrew.gass@lw.com
Joseph R. Wetzel (SBN 238008)
joe.wetzel@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: 415.391.0600

Sarang V. Damle (*pro hac vice*)
sy.damle@lw.com
Elana Nightingale Dawson (*pro hac vice*)
elana.nightingaledawson@lw.com
Michael A. David (*pro hac vice*)
michael.david@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200

Allison L. Stillman (*pro hac vice*)
alli.stillman@lw.com
Rachel R. Blitzer *(pro hac vice)*
rachel.blitzer@lw.com
Herman H. Yue (*pro hac vice*)
herman.yue@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: 212.906.1200

Allison S. Blanco (SBN 287554)
allison.blanco@lw.com
650 Town Center Drive 20th Floor
Costa Mesa, CA 92626
Telephone: 714.540.1235

MORRISON & FOERSTER LLP
Joseph C. Gratz (SBN 240676)
jgratz@mofo.com
Tiffany Cheung (SBN 211497)
tcheung@mofo.com
Joyce C. Li (SBN 323820)
joyceli@mofo.com
Melody E. Wong (SBN 341494)
melodywong@mofo.com
425 Market Street
San Francisco, CA 94105
Telephone: 415.268.7000

Rose S. Lee (SBN 294658)
roselee@mofo.com
Alexandra M. Ward (SBN 318042)
alexandraward@mofo.com
707 Wilshire Boulevard, Suite 6000
Los Angeles, CA 90017
Telephone: 213.892.5200

Attorneys for Defendants OpenAI, Inc., OpenAI, L.P., OpenAI OpCo, L.L.C., OpenAI GP, L.L.C., OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., and OpenAI Startup Fund Management, LLC

[CAPTION CONTINUED ON NEXT PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPENAI CHATGPT LITIGATION

This Document Relates To:

Case No. 3:23-cv-03223-AMO
Case No. 3:23-cv-03416-AMO
Case No. 3:23-cv-04625-AMO

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

DEFENDANTS' STATEMENT OF RECENT DECISION

Hon. Araceli Martínez-Olguín

Max I. Levy (SBN 346289)
mlevy@mofo.com
755 Page Mill Road
Palo Alto, CA 94304
Telephone: 650.813.5600

John R. Lanham (SBN 289382)
jlanham@mofo.com
Sarah J. Vandervalk (SBN 332651)
svandervalk@mofo.com
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
Telephone: 858.720.5100

Eric K. Nikolaides (*pro hac vice*)
enikolaides@mofo.com
Zachary S. Newman (*pro hac vice*)
znewman@mofo.com
250 West 55th Street
New York, NY 10019
Telephone: 212.468.8000

Carolyn M. Homer (SBN 286441)
cmhomer@mofo.com
2100 L Street, NW, Suite 900
Washington, D.C. 20037
Telephone: 202.650.4597

KEKER, VAN NEST & PETERS LLP
Robert A. Van Nest (SBN 84065)
rvannest@keker.com
R. James Slaughter (SBN 192813)
rslaughter@keker.com
Paven Malhotra (SBN 258429)
pmalhotra@keker.com
Michelle S. Ybarra (SBN 260697)
mybarra@keker.com
Nicholas S. Goldberg (SBN 273614)
ngoldberg@keker.com
Thomas E. Gorman (SBN 279409)
tgorman@keker.com
Katie Lynn Joyce (SBN 308263)
kjoyce@keker.com
Christopher S. Sun (SBN 308945)
csun@keker.com
Edward A. Bayley (SBN 267532)
ebayley@keker.com
633 Battery Street
San Francisco, CA 94111
Telephone: 415.391.5400
Facsimile: 415.397.7188

DEFENDANTS' STATEMENT OF RECENT DECISION

Pursuant to Northern District of California Civil Local Rule 7-3(d)(2), Defendants respectfully submit this Statement of Recent Decision to apprise the Court of a recent order in connection with the briefing on Plaintiffs' Motion for Leave to File Second Amended Complaint (ECF Nos. 371, 401, 414).

In *Concord Music Group, Inc. et al. v. Anthropic PBC*, No. 5:24-cv-03811 (N.D. Cal.), a case involving copyright infringement and DMCA claims against another generative AI company, the plaintiffs alleged that defendant Anthropic "intentionally removed or altered copyright management information from [plaintiffs'] musical compositions, and/or distributed or imported for distribution copies of [plaintiffs'] musical compositions knowing that copyright management information has been removed or altered," in violation of 17 U.S.C. § 1202(b). *See* Complaint, *Concord Music Group*, No. 5:24-cv-03811, ECF No. 1 ¶ 149 (attached hereto as Exhibit 1). On March 26, 2025, the United States District Court for the Northern District of California dismissed plaintiffs' Section 1202(b)(1) claims with leave to amend. *See* Order Granting Motion to Dismiss with Leave to Amend, *Concord Music Group*, No. 5:24-cv-03811, ECF No. 322 at 9-12 (attached hereto as Exhibit 2).

Dated: April 2, 2025

Respectfully Submitted,

By: */s/ Rose S. Lee*

MORRISON & FOERSTER LLP
Joseph C. Gratz (SBN 240676)
jgratz@mofo.com
Tiffany Cheung (SBN 211497)
tcheung@mofo.com
Joyce C. Li (SBN 323820)
joyceli@mofo.com
Melody E. Wong (SBN 341494)
melodywong@mofo.com
425 Market Street
San Francisco, CA 94105
Telephone: 415.268.7000

Rose S. Lee (SBN 294658)
roselee@mofo.com
Alexandra M. Ward (SBN 318042)
alexandraward@mofo.com
707 Wilshire Boulevard, Suite 6000
Los Angeles, CA 90017
Telephone: 213.892.5200

Eric Nikolaides (*pro hac vice*)
enikolaides@mofo.com
Zachary S. Newman (*pro hac vice*)
znewman@mofo.com
250 West 55th Street
New York, NY 10019
Telephone: 212.468.8000

Max I. Levy (SBN 346289)
mlevy@mofo.com
755 Page Mill Road
Palo Alto, CA 94304
Telephone: 650.813.5600

John R. Lanham (SBN 289382)
jlanham@mofo.com
Sarah J. Vandervalk (SBN 332651)
svandervalk@mofo.com
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
Telephone: 858.720.5100

Carolyn M. Homer (SBN 286441)
cmhomer@mofo.com
2100 L Street, NW, Suite 900
Washington, DC 20037
Telephone: 202.650.4597p

By: */s/ Allison S. Blanco*

LATHAM & WATKINS LLP
Andrew M. Gass (SBN 259694)
andrew.gass@lw.com
Joseph R. Wetzel (SBN 238008)
joe.wetzel@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: 415.391.0600

Sarang V. Damle (*pro hac vice*)
sy.damle@lw.com
Elana Nightingale Dawson (*pro hac vice*)
elana.nightingaledawson@lw.com
Michael A. David (*pro hac vice*)
michael.david@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200

Allison L. Stillman (*pro hac vice*)
alli.stillman@lw.com
Rachel R. Blitzer (*pro hac vice*)
rachel.blitzer@lw.com
Herman H. Yue (*pro hac vice*)
herman.yue@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: 212.906.1200

Allison S. Blanco (SBN 287554)
allison.blanco@lw.com
650 Town Center Drive 20th Floor
Costa Mesa, CA 92626
Telephone: 714.540.1235

By: */s/ Christopher S. Sun*

KEKER, VAN NEST & PETERS LLP
Robert A. Van Nest (SBN 84065)
rvannest@keker.com
R. James Slaughter (SBN 192813)
rslaughter@keker.com
Paven Malhotra (SBN 258429)
pmalhotra@keker.com
Michelle S. Ybarra (SBN 260697)
mybarra@keker.com
Nicholas S. Goldberg (SBN 273614)
ngoldberg@keker.com
Thomas E. Gorman (SBN 279409)
tgorman@keker.com
Katie Lynn Joyce (SBN 308263)
kjoyce@keker.com
Christopher S. Sun (SBN 308945)
csun@keker.com
Edward A. Bayley (SBN 267532)
ebayley@keker.com
633 Battery Street
San Francisco, CA 94111
Telephone: 415.391.5400
Facsimile: 415.397.7188

Attorneys for OpenAI Defendants

ATTESTATION CLAUSE

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Allison S. Blanco, attest that concurrence in the filing of this document has been obtained.

Dated: April 2, 2025

/s/ Allison S. Blanco
Allison S. Blanco