

## Chat GPT Is Eating the World

### AI COPYRIGHT WARS, LAW FIRMS, LAWSUITS, STATUS

# Status of all copyright lawsuits v. AI (April 25, 2024)

April 25, 2024

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The biggest development this week: OpenAI brought in more legal firepower by hiring 7 trial attorneys, all partners from Keker, Van Nest & Peters, including the named partner **Robert Van Nest**, to represent OpenAI in at least 6 different lawsuits:

- **In re OpenAI ChatGPT Litigation** (ND Cal) (7 Keker partners)
- **Authors Guild v. Open AI** (SDNY) (5 Keker partners)
- **Basbanes v. Microsoft** (SDNY) (5 Keker partners)
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The 7 lawyers from Kecker are all seasoned trial attorneys, which I take as a clear sign OpenAI is gearing up for trials in these AI cases.

- **Robert Van Nest**
- **Paven Malhotra**
- **R. James Slaughter**
- **Michelle Sabrina Ybarra**
- **Nicholas Samuel Goldberg**
- **Katie Lynn Joyce** (only in ND Cal.)
- **Thomas Edward Gorman** (only in ND Cal.)

The new attorneys are joining the **large team of lawyers** from Morrison & Foerster and Latham & Watkins already representing OpenAI in these cases.

The new developments from **last week's report** are indicated by an asterisk\*.

Case name	Jurisdiction	Judge	Latest status
<b><u>Thomson Reuters Enterprise Centre GmbH et al v. ROSS Intelligence Inc.</u></b>	D. Del.	<b>Bibas</b>	Trial on the copyright issues will begin on <b>August 26, 2024, at 9:00 a.m.</b> in Wilmington, Delaware and will last five days. Jury selection on <b>August 23, 2024, at 10:00 a.m.</b>

			Pending motions for SJ on defendant's antitrust claims
<b><u>Getty Images (US), Inc. v. Stability AI Ltd</u></b>	D. Del.	Hall	<b><u>NOTICE to Take Deposition</u></b> of Peter O'Donoghue on February 22, 2024 filed by Getty Images. Defendants' Motion to Dismiss or Transfer (D.I. 16 ) is DISMISSED without prejudice to re-file after the conclusion of jurisdictional discovery (Jan. 26, 2024).
<b><u>Doe 1 v. Github, Inc.</u></b>	ND Cal.	Tigar	<p><b><u>Judge Tigar order denying Plaintiffs' motion for reconsideration of dismissal of CMI claims</u></b> (filed Apr. 15, 2024)</p> <p><b><u>Doe 1 Opp. to Microsoft's MTD</u></b> (Mar. 27, 2024)  <b><u>Doe 1 Opp. to OpenAI MTD</u></b> (Mar. 27, 2024)  – hearing on May 16, 2024, 2 PM</p> <p>Defendants <b><u>moved to dismiss</u></b> 2d amended complaint claims under 1202 of DMCA and breach of contract.</p> <p><b><u>Stipulated order:</u></b>  2. Defendants' replies to any such motions shall be due <b>April 10, 2024</b>.  Plaintiffs filed Second Amended Complaint (Jan. 24, 2024) after</p> <p><b><u>Judge Tigar granted in part</u></b> Github, Microsoft's motion to dismiss, leaving only 3 claims for breach of contract and unfair competition. [<b><u>Summary</u></b>]</p>
<b><u>Sarah Andersen v. Stability AI Ltd</u></b>	ND Cal.	Orrick	<p><b><u>Runway Reply in supp. MTD</u></b> (Apr. 18, 2024)  <b><u>Runway Reply re Judicial Notice exhibits + webpages</u></b> (Apr. 18, 2024)  <b><u>DeviantArt Reply in supp. MTD</u></b> (Apr. 18, 2024)  <b><u>Stability AI Reply in supp. MTD</u></b> (Apr 18, 2024)  <b><u>Midjourney Reply in supp. MTD</u></b> (Apr. 18, 2024)  <b><u>Midjourney Reply re Judicial</u></b></p>

			<p><b><u>Notice exhibits + webpages</u></b> (Apr. 18, 2024)* <b>Hearing: May 8, 2024, 2 PM PDT</b></p> <p><b><u>Plaintiffs' Opp. to Runway AI's MTD</u></b> (Mar. 21,2024) <b><u>Plaintiffs' Opp. to DeviantArt's MTD</u></b> (Mar. 21, 2024) <b><u>Plaintiffs' Opp. to Stability AI's MTD</u></b> (Mar. 21, 2024) <b><u>Plaintiffs' Opp. to Midjourney's MTD</u></b>(Mar. 21, 2024)</p> <p><b><u>Runway AI filed MTD</u></b> (Feb. 8, 2024). <b><u>DeviantArt filed MTD</u></b> (Feb. 8, 2024). <b><u>Stability AI filed MTD</u></b> (Feb. 8, 2024). <b><u>Midjourney filed MTD</u></b> (Feb. 8, 2024).</p> <p>1) The deadline for Plaintiffs to respond to motions to dismiss is <b>March 21, 2024</b> 2) The deadline for Defendants to file Replies in support of any motions to dismiss is <b>April 18, 2024</b>. 3) Hearing on any Motion to Dsimiss set for <b>5/8/2024 02:00 PM</b> via Videoconference before Judge William H. Orrick, regarding <b><u>First Amended Complaint</u></b>.</p>
<p><b><u>Richard Kadrey v. Meta Platforms, Inc.</u></b></p> <p><b><u>Chabon v. Meta Platforms</u></b> consolidated with Kadrey v. Meta Platforms above</p>	<p>ND Cal.</p>	<p><b>Chhabria</b></p>	<p><b><u>ORDER by Magistrate Judge Thomas S. Hixson granting Stipulation re: electronic discovery.</u></b></p> <p>For the reasons discussed at the 1/25/2024 hearing, the 65 Motion to Appoint Lead Plaintiff and Lead Counsel is denied without prejudice. <b><u>Meta Answer</u></b> (filed Jan. 10, 2024) <b><u>First Amended Complaint</u></b> filed Dec. 11, 2023.</p>
<p><b>In re OpenAI ChatGPT Litigation,</b> Case No. 23-cv-03223.</p>	<p>ND Cal.</p>	<p><b>Araceli Martinez-Olguin</b></p>	<p><b>Appearances by OpenAI's Attorneys from Keke, Van Nest &amp; Peters:*</b></p>

<p>Three cases consolidated and recaptioned above:  <u>Paul Tremblay v. OpenAI, Inc.</u></p> <p><u>Sarah Silverman v. OpenAI, Inc.</u>          consolidated</p> <p><u>Chabon v. OpenAI</u>          consolidated</p>			<p><u>Robert Van Nest</u>  <u>Paven Malhotra</u>  <u>R. James Slaughter</u>  <u>Michelle Sabrina Ybarra</u>  <u>Nicholas Samuel Goldberg</u>  <u>Katie Lynn Joyce</u>  <u>Thomas Edward Gorman</u></p> <p><u>Defendants' Reply in supp.</u>  <u>MTD</u> (Apr. 19, 2024)          -Hearing Aug. 1, 2024, 2 PM PDT</p> <p><u>Plaintiffs' Opposition to MTD</u>          (filed April 10, 2024)</p> <p><u>OpenAI's motion to dismiss 1st amended consolidated complaint (Mar. 27, 2024).</u></p> <p>Motion to Appoint Lead Plaintiff and Lead Counsel Hearing set for 5/2/2024 at 02:00 PM in San Francisco, Courtroom 10, 19th Floor before Judge Araceli Martinez-Olguin.</p> <p><u>Plaintiffs' First Consolidated Amended Complaint filed (Mar. 13, 2024).</u></p> <p><u>Order Denying Motion by Tremblay to Enjoin Defendants from Litigating in SDNY</u></p> <p><u>Order Granting in Part OpenAI's motion</u> to dismiss vicarious infringement claim, Section 1202 CMI claims, negligence, and unjust enrichment.</p> <p><u>Pretrial Order No. 1 with stipulation and Order to consolidate cases</u></p>
<p><u>J.L. v. Alphabet Inc</u></p>	<p>ND Cal.</p>	<p>Araceli Martinez-Olguin</p>	<p><u>Google reply</u> (filed April 5, 2024), hearing for May 16, 2024, 2 PM</p> <p><u>Plaintiffs' Opp. to Google MTD</u> (filed Mar. 15, 2024, hearing set for May 16, 2024, 2 PM PDT, Courtroom 10)</p> <p><u>Google filed motion to dismiss some claims</u> (Feb. 9, 2024)</p>

			<p>ORDER GRANTING AS MODIFIED 31 STIPULATION to Continue Case Management Conference and Authorize Briefs in Excess of Default Page Limits. Case Management Statement due by noon on <b>5/30/2024</b>. Initial Case Management Conference set for <b>6/6/2024 at 10:00 AM</b> in San Francisco, Courtroom 10, 19th Floor.</p> <p><u>First Amended Complaint</u> filed on January 5, 2024.</p>
<p><u>Abdi Nazemian v. NVIDIA Corp.</u></p>	<p>N.D. Cal.</p>	<p>Tigar</p>	<p>ORDER GRANTING JOINT STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT by Judge Jon S. Tigar granting 25 Stipulation. Responses due by 5/17/2024</p> <p>CLERKS NOTICE SETTING ZOOM HEARING. <b>Case Management Statement due by 6/11/2024</b>. Initial Case Management Conference set for <b>6/18/2024 02:00 PM in Oakland, – Videoconference Only</b>. This proceeding will be held via a Zoom webinar. Webinar Access: All counsel, members of the public, and media may access the webinar information at <a href="https://www.cand.uscourts.gov/jst">https://www.cand.uscourts.gov/jst</a> Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing.</p> <p><u>Complaint filed</u> (Mar. 8, 2024)</p>
<p><u>O’Nan v. Databricks, Mosaic ML</u></p>	<p>N.D. Cal.</p>	<p>Breyer</p>	<p>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by <b>5/30/2024</b>. Initial Case Management Conference set for <b>6/6/2024 10:30 AM</b> in San Francisco, Courtroom F, 15th Floor. (cjl,</p>

			<p>COURT STAFF) (Filed on 3/11/2024) (Entered: 03/11/2024)</p> <p><u>Complaint filed</u> (Mar. 8, 2024)</p>
<p><b><u>Huckabee v. Meta Platforms Inc</u></b> (dismissed without prejudice and tolling). *SDNY case v. Bloomberg oingong</p>	<p>ND Cal. (transferred from SDNY)</p>	<p><b>Tse</b></p>	<p><b>Order by Judge Vince Chhabria granting #105 Stipulation of Dismissal</b> without Prejudice and Tolling Agreement</p>
<p><b><u>Concord Music Group, Inc. et al v. Anthropic PBC</u></b></p>	<p>M.D. Tenn.</p>	<p><b>Crenshaw Jr.</b></p>	<p><b><u>Chief Judge Crenshaw Order on Status of Case: motion for prel. injunction will be decided in due course (Apr. 19, 2024)</u></b> no oral argument</p> <p><b><u>Plaintiffs' Motion to Ascertain Status</u></b> (filed April 12, 2024)</p> <p>ORDER SETTING CASE FOR TRIAL: Jury Trial is set for <b>11/18/2025</b> at 09:00 AM in Courtroom 6B before Chief Judge Waverly D. Crenshaw Jr. Exhibit List due by <b>11/3/2025</b>. Witness List due by <b>11/3/2025</b>. Pretrial Conference is set for <b>11/10/2025</b> at 10:00 AM in Courtroom 6B before Chief Judge Waverly D. Crenshaw Jr. Proposed Pretrial Order due by <b>11/3/2025</b>.</p> <p><b><u>Anthropic's Motion to Dismiss</u></b> (Nov. 22, 2023) <b><u>Plaintiffs' Response</u></b> (Jan. 22, 2024) <b><u>Anthropic's Reply</u></b> (Feb. 14, 2024)</p> <p><b><u>Plaintiffs' Motion for Preliminary Injunction</u></b> (Nov. 16, 2023) <b><u>Anthropic's opposition</u></b> (Jan. 15, 2024) <b><u>Plaintiffs' Reply</u></b> (Feb. 14, 2024)</p>
<p><b><u>Authors Guild v. Open AI</u></b>  <b><u>Alter v. OpenAI, Microsoft, formerly Julian Sancton v. OpenAI, Microsoft</u></b> consolidated with Authors Guild</p>	<p>SNDY</p>	<p><b>Stein</b></p>	<p><b>Appearances by OpenAI's Attorneys from Keker, Van Nest &amp; Peters:*</b> <b><u>Robert Van Nest</u></b> <b><u>Paven Malhotra</u></b> <b><u>R. James Slaughter</u></b></p>

<p>v. OpenAI</p> <p>plus Basbanes v. Microsoft below</p>			<p><b><u>Michelle Sabrina Ybarra</u></b> <b><u>Nicholas Samuel Goldberg</u></b></p> <p><b><u>OpenAI opp. to motion to compel documents</u></b> (Apr. 16, 2024) <b><u>OpenAI motion to file under seal +response to Plaintiffs' motion to file under seal</u></b> (Apr. 16, 2024)</p> <p><b><u>California Plaintiffs' Notice of Appeal to Second Circuit re: denial of motion to intervene in SDNY lawsuit</u></b> (filed April 13, 2024)</p> <p><b><u>Judge Stein order denying California plaintiffs' motion to intervene (filed April 1, 2024)</u></b></p> <p><b><u>Answer filed by OpenAI</u></b> (Feb. 16, 2024) <b><u>Answer filed by Microsoft</u></b> (Feb. 16, 2024)</p> <p><b><u>CONSOLIDATED COMPLAINT filed</u></b> (Feb. 2, 2024).</p>
<p><b><u>Basbanes v. Microsoft</u></b> consolidated for pretrial purposes pursuant to Fed. R. Civ. P. 42. with Authors Guild v. OpenAI above</p>	<p>SDNY</p>	<p>Stein</p>	<p><b>Appearances by OpenAI's Attorneys from Kecker, Van Nest &amp; Peters:*</b> <b><u>Robert Van Nest</u></b> <b><u>Paven Malhotra</u></b> <b><u>R. James Slaughter</u></b> <b><u>Michelle Sabrina Ybarra</u></b> <b><u>Nicholas Samuel Goldberg</u></b></p> <p><b><u>California Plaintiffs' Notice of Interlocutory Appeal to Second Circuit re: denial of motion to intervene in SDNY lawsuit</u></b> (filed April 13, 2024)</p> <p><b><u>Judge Stein order denying California plaintiffs' motion to intervene (filed April 1, 2024)</u></b></p> <p><b><u>Complaint filed</u></b> (Jan. 5, 2024)</p>
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<p><b><u>Huckabee v. Bloomberg</u></b></p>	<p>SDNY</p>	<p><b>Garnett</b></p>	<p><b>Defendants' Opp. to motion to dismiss (Apr. 19, 2024)*</b></p> <p><b>Bloomberg motion to dismiss (Mar. 22, 2024)</b></p> <p>Plaintiffs' opposition to the motion to dismiss shall be due <b>April 19, 2024</b>; Defendants' reply in support of their motion to dismiss shall be due <b>May 3, 2024</b>.</p> <p>It is further ORDERED that discovery shall be stayed during the pendency of briefing on the motion to dismiss. Any party seeking to lift the stay on discovery may seek such relief by letter to the Court filed on ECF after Defendants' reply is submitted.</p>
<p><b><u>Raw Story Media, Inc. v. OpenAI</u></b></p>	<p>SDNY</p>	<p><b>McMahon</b></p>	<p><b>Appearances by OpenAI's Attorneys from Kecker, Van Nest &amp; Peters:*</b>  <b><u>Robert Van Nest</u></b>  <b><u>Paven Malhotra</u></b></p>

			<p><b><u>R. James Slaughter</u></b>  <b><u>Michelle Sabrina Ybarra</u></b></p> <p>ORDER SCHEDULING AN INITIAL PRETRIAL CONFERENCE: Initial Conference set for <b>4/18/2024 at 10:45 AM</b> in Courtroom 24A, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 3/6/2024)</p> <p><u>Complaint filed</u> (Feb. 28, 2024)</p>
<p><b><u>Intercept Media Inc. v. OpenAI</u></b></p>	<p>SDNY</p>	<p>Rakoff</p>	<p><b>Appearances by OpenAI's Attorneys from Kecker, Van Nest &amp; Peters:*</b>  <b><u>Robert Van Nest</u></b>  <b><u>Paven Malhotra</u></b>  <b><u>R. James Slaughter</u></b>  <b><u>Michelle Sabrina Ybarra</u></b>  <b><u>Nicholas Samuel Goldberg</u></b></p> <p><u>OpenAI motion to dismiss</u> (Apr. 15, 2024)  <u>Microsoft motion to dismiss</u> (Apr. 15, 2024)</p> <p>Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument set for 5/24/2024 at 10:00 AM before Judge Jed S. Rakoff</p> <p><u>Supplemental Rule 26(f) report and Proposed Case Management Plan (filed April 2, 2024)</u></p> <p><u>Complaint filed</u> (Feb. 28, 2024)</p>

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