AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

ELON MUSK, an individual

Plaintiff(s)

v.

SAMUEL ALTMAN, an individual, et al.
(see Attachment 1)

Defendant(s)

Civil Action No. 3:24-cv-04722-SK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* See Attachment 2.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Marc Toberoff (S.B. #188547)
mtoberoff@toberoffandassociates.com
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Tel: (310) 246-3333

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: August 6, 2024

Mark B.Busby

Signature of Clerk or Deputy Clerk

ATTACHMENT 1

Defendants:

1. SAMUEL ALTMAN, an individual;
2. GREGORY BROCKMAN, an individual;
3. OPENAI, INC., a Delaware corporation;
4. OPENAI, L.P., a Delaware limited partnership;
5. OPENAI, L.L.C., a Delaware limited liability company;
6. OPENAI GP, L.L.C., a Delaware limited liability company;
7. OPENAI OPCO, LLC, a Delaware limited liability company;
8. OPENAI GLOBAL, LLC, a Delaware limited liability company;
9. OAI CORPORATION, LLC, a Delaware limited liability company;
10. OPENAI HOLDINGS, LLC, a Delaware limited liability company;
11. OPENAI INVESTMENT LLC, a Delaware limited liability company;
12. OPENAI STARTUP FUND MANAGEMENT, LLC, a Delaware limited liability company;
13. OPENAI STARTUP FUND GP I, L.L.C., a limited liability company;
14. OPENAI STARTUP FUND I, L.P. a Delaware limited partnership;
15. OPENAI STARTUP FUND SPV GP I, L.L.C., a Delaware limited liability company;
16. OPENAI STARTUP FUND SPV GP II, L.L.C., a Delaware limited liability company;
17. OPENAI STARTUP FUND SPV GP III, L.L.C., a Delaware limited liability company;
18. OPENAI STARTUP FUND SPV GP IV, L.L.C., a Delaware limited liability company;
19. OPENAI STARTUP FUND SPV I, L.P., a Delaware limited partnership;
20. OPENAI STARTUP FUND SPV II, L.P., a Delaware limited partnership;
21. OPENAI STARTUP FUND SPV III, L.P., a Delaware limited partnership;
22. OPENAI STARTUP FUND SPV IV, L.P., a Delaware limited partnership;
23. AESTAS MANAGEMENT COMPANY, LLC, a Delaware limited liability company;
24. AESTAS, LLC, a Delaware limited liability company; and

ATTACHMENT 2

Defendants' Names and Addresses:

1. SAMUEL ALTMAN, an individual
   950 Lombard St.
   San Francisco, CA 94133

2. GREGORY BROCKMAN, an individual
   c/o JORDAN ETH
   Morrison & Foerster LLP
   425 Market Street
   San Francisco, CA 94105

3. OPENAI, INC., a Delaware corporation
   c/o CSC – LAWYERS INCORPORATING SERVICE
   2710 Gateway Oaks Drive
   Sacramento, CA 95833

4. OPENAI, L.P., a Delaware limited partnership
   c/o CSC – LAWYERS INCORPORATING SERVICE
   2710 Gateway Oaks Drive
   Sacramento, CA 95833

5. OPENAI, L.L.C., a Delaware limited liability company
   c/o JING XIN
   1473 Sharon Manor Ct
   San Jose, CA 95129

6. OPENAI GP, L.L.C., a Delaware limited liability company
   c/o CSC – LAWYERS INCORPORATING SERVICE
   2710 Gateway Oaks Drive
   Sacramento, CA 95833

7. OPENAI OPCO, LLC, a Delaware limited liability company
   c/o CSC – LAWYERS INCORPORATING SERVICE
   2710 Gateway Oaks Drive
   Sacramento, CA 95833

/ / /

8. OPENAI GLOBAL, LLC, a Delaware limited liability company
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive
Sacramento, CA 95833

9. OAI CORPORATION, LLC, a Delaware limited liability company
c/o CORPORATION SERVICE COMPANY
251 Little Falls Drive
Wilmington, DE 19808

10. OPENAI HOLDINGS, LLC, a Delaware limited liability company
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive
Sacramento, CA 95833

11. OPENAI INVESTMENT LLC, a Delaware limited liability company
c/o CORPORATION SERVICE COMPANY
251 Little Falls Drive
Wilmington, DE 19808

12. OPENAI STARTUP FUND MANAGEMENT, LLC, a Delaware limited liability company
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive
Sacramento, CA 95833

13. OPENAI STARTUP FUND GP I, L.L.C., a limited liability company
c/o CSC – LAWYERS INCORPORATING SERVICE
2710 Gateway Oaks Drive
Sacramento, CA 95833

14. OPENAI STARTUP FUND I, L.P. a Delaware limited partnership
c/o CORPORATION SERVICE COMPANY
251 Little Falls Drive
Wilmington, DE 19808

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15. OPENAI STARTUP FUND SPV GP I, L.L.C., a Delaware limited liability company
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2710 Gateway Oaks Drive
Sacramento, CA 95833

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* OpenAI Investment LLC, a Delaware limited liability company was received by me on *(date)* Sep 13, 2024, 10:16 am.

☐ I personally served the summons on the individual at *(place)* _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there, on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Left in the presence of Donna "Doe", registered agent representative (per agent policy they will no longer provide a name for acceptance). All legal documents must be left in the basket at front desk., who is designated by law to accept service of process on behalf of *(name of organization)* OpenAI Investment LLC, a Delaware limited liability company on *(date)* Tue, Sep 17 2024 at 1:25 PM ; or

☐ I returned the summons unexecuted because: _____; or

☐ Other: _____; or

My fees are $ _____ for travel and $ _____ for services, for a total of $ 91.50.

I declare under penalty of perjury that this information is true.

Date: September 17, 2024

Sharlene Brooks

Server's signature

Sharlene Brooks, Process Server

Printed name and title

Delaware Attorney Services

3516 Silverside Road, Unit 16, Wilmington, DE 19810

Server's address

Additional information regarding attempted service, etc.:

Documents Served: Summons; Complaint; Judge Yvonne Gonzalez Rogers' Standing Order in Civil Cases; Standing Order for All Judges of the Northern District of California: Contents of Joint Case Management Statement; August 6, 2024 Order Setting Initial Case Management Conference and ADR Deadlines; and August 9, 2024 Clerk's Notice Setting Case Management Conference

1) Successful Attempt: Sep 17, 2024, 1:25 pm EDT at Corporation Service Company, Registered Agent 251 Little Falls Drive, Wilmington, DE 19808 received by Left in the presence of Donna "Doe", registered agent representative (per agent policy they will no longer provide a name for acceptance). All legal documents must be left in the basket at front desk.. Age: 57; Ethnicity: Caucasian; Gender: Female; Weight: 150 lb; Height: 5'6"; Hair: Brown;