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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ELON MUSK, et al.,

Plaintiffs,

v.

SAMUEL ALTMAN, et al.,

Defendants.

Case No. 4:24-cv-04722-YGR

JOINT STIPULATION AND ORDER EXTENDING DEADLINE TO RESPOND TO LETTER BRIEF

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Elon Musk and X.AI Corp., Defendants Samuel Altman, Gregory Brockman, OpenAI, Inc., OpenAI L.P., OpenAI, L.L.C., OpenAI GP, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund Management, LLC, OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., OpenAI Startup Fund SPV GP I, L.L.C., OpenAI Startup Fund SPV GP II, L.L.C., OpenAI Startup Fund SPV GP III, L.L.C., OpenAI Startup Fund SPV GP IV, L.L.C., OpenAI Startup Fund SPV I, L.P., OpenAI Startup Fund SPV II, L.P., OpenAI Startup Fund SPV III, L.P., OpenAI Startup Fund SPV IV, L.P., Aestas Management Company, LLC, and Aestas LLC ("OpenAI Defendants"), Defendant Microsoft Corporation, and non-party Ilya Sutskever ("Mr. Sutskever") hereby stipulate and agree as follows:

WHEREAS, on October 9, 2025, Plaintiffs filed an Administrative Motion to Consider Whether Other Parties' Material Should Be Sealed (ECF No. 300) relating to portions of their Letter Brief (ECF No. 301) and accompanying exhibits thereto;

WHEREAS, the redacted portions of Plaintiffs' Letter Brief (ECF No. 301) and accompanying exhibits reflect information that the OpenAI and Microsoft defendants and non-party Ilya Sutskever have designated as "HIGHLY CONFIDENTIAL" under the Stipulated Protective Orders entered in this case (ECF Nos. 171, 270);

WHEREAS, under Civil Local Rule 79-5(f)(3), a Designating Party must file a statement and/or declaration identifying each document for which sealing is sought within 7 days of the motion's filing;

WHEREAS, on October 14, 2025, the Court ordered Plaintiffs' Letter Brief be deemed filed as of October 8, 2025 (ECF No. 317), making such a statement due October 15, 2025;

WHEREAS, the designating parties would, in any event, benefit from additional time to prepare their responses to Plaintiffs' Administrative Motion to Consider Whether Other Parties' Material Should Be Sealed (ECF No. 300), pursuant to Civil Local Rule 79-5(f)(3), in light of the volume of material filed provisionally under seal;

IT IS HEREBY STIPULATED AND AGREED by the parties that the deadline for the designating parties to respond to Plaintiffs' Administrative Motion to Consider Whether Other Parties' Material Should Be Sealed (ECF No. 300) is October 23, 2025.

Dated: October 15, 2025

COOLEY LLP

By: */s/ Simona Agnolucci*
Simona Agnolucci
Eduardo Santacana
Anika Holland
Remy Carreiro

Attorneys for Non-Party
ILYA SUTSKEVER

Dated: October 15, 2025

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Attorneys for Plaintiffs
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Dated: October 15, 2025

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Dated: October 15, 2025

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all signatories listed above concur in this filing's content and have authorized this filing.

Dated: October 15, 2025

/s/ Simona Agnolucci
Simona Agnolucci

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline for all parties to respond to Plaintiffs' Administrative Motion to Consider Whether Other Parties' Material Should Be Sealed (ECF No. 300) is October 23, 2025.

Dated: October 15, 2025

THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE