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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 [PROPOSED] ORDER CORRECTING EXHIBIT

Action Filed: August 5, 2024

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Attorneys for Defendant Microsoft Corporation

Pursuant to Civil Local Rule 7-12, Plaintiff Elon Musk; 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 (collectively, the "OpenAI Defendants"); and Defendant Microsoft Corporation (together with the OpenAI Defendants, "Defendants," and collectively with Plaintiff and the OpenAI Defendants, the "Parties"), by and through their counsel, hereby stipulate as follows:

WHEREAS, on October 17, 2025, Defendant Microsoft Corporation filed a Motion for Summary Judgment (Dkt. 329);

WHEREAS, on November 7, 2025, Plaintiff filed a Memorandum of Points and Authorities in Opposition to Microsoft Corporation's Motion for Summary Judgment (Dkt. 352), together with certain exhibits that were filed provisionally under seal (Dkt. 353);

WHEREAS Plaintiff inadvertently filed an incorrect document as Exhibit 35 provisionally under seal at Dkt. 353-39;

WHEREAS, on December 12, 2025, the Parties filed an Omnibus Sealing Stipulation on Undisputed Sealing Requests (Dkt. 368), which attached under seal a copy of the correct exhibit with stipulated proposed redactions (at Dkt. 368-79);

WHEREAS Plaintiff seeks to replace the originally filed version of Exhibit 35 (at Dkt. 353-39) with the correct version filed contemporaneously with this stipulation;

WHEREAS Plaintiff seeks to file the correct version provisionally under seal pending the Court's ruling on the Parties' Omnibus Sealing Stipulation on Undisputed Sealing Requests (Dkt. 368); and

WHEREAS the document mistakenly filed as Exhibit 35 appears elsewhere in the summary judgment record (provisionally under seal at Dkt. 353-38), such that it will remain part of the record

before this Court if the relief sought by this stipulation is granted;

IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES, SUBJECT TO COURT APPROVAL, that the Clerk shall replace the existing version of Dkt. 353-39 with the corrected version filed contemporaneously with this stipulation.

IT IS SO STIPULATED.

Dated: December 23, 2025

MOLOLAMKEN LLP

By: */s/ Jennifer M. Schubert*
Jennifer M. Schubert (*pro hac vice*)

Attorneys for Plaintiff Elon Musk

Dated: December 23, 2025

MORRISON & FOERSTER LLP

By: */s/ David J. Wiener*
David J. Wiener (CA SBN 291659)

Attorneys for the OpenAI Defendants

Dated: December 23, 2025

DECHERT LLP

By: */s/ Russell P. Cohen*
Russell P. Cohen (CA SBN 213105)

Attorneys for Defendant Microsoft Corporation

SIGNATURE ATTESTATION

I hereby attest that the signatories listed above, on whose behalf this stipulation is submitted, concur in the filing's content and have authorized the filing.

Dated: December 23, 2025

/s/ Jennifer M. Schubert
Jennifer M. Schubert (*pro hac vice*)

[PROPOSED] ORDER

GOOD CAUSE APPEARING, the Court hereby approves the foregoing stipulation.

The Clerk is directed to replace the previously filed version of Exhibit 35 at Dkt. 353-39 with the corrected version filed contemporaneously with the stipulation. The exhibit shall be provisionally maintained under seal pending the Court's ruling on the parties' Omnibus Sealing Stipulation on Undisputed Sealing Requests (Dkt. 368).

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

_____
Hon. Yvonne Gonzalez Rogers
United States District Judge