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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 REGARDING ANSWER

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Attorneys for Defendant Microsoft Corporation

Plaintiffs Elon Musk and X.AI Corp. ("Plaintiffs"); 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"), hereby stipulate as follows:

WHEREAS, on June 10, 2026, the Court entered its Order for Joint Briefing Schedule Re: Remaining Claims (Dkt. 602), directing the Parties to meet and confer regarding a briefing schedule for Plaintiffs' remaining claims and to submit the proposed schedule within fourteen days;

WHEREAS, Plaintiffs' remaining claims are: Count VIII (Sherman Act § 1), Count IX (Sherman Act § 2), Count X (Cartwright Act § 16720), Count XI (Unfair Practices Act), Count XII (Clayton Act § 3), Count XIII (Cartwright Act § 16727), Count XIV (Clayton Act § 7), Count XVI (UCL § 17200), and Count XVII (Lanham Act);

WHEREAS, on June 24, 2026, the Parties filed a Joint Stipulation and Proposed Order Regarding Briefing Schedule for Plaintiffs' Remaining Claims (Dkt. 603) under which the OpenAI Defendants and Microsoft shall each file a supplemental opening brief addressing Plaintiffs' remaining claims by August 10, 2026; Plaintiffs shall file supplemental opposition briefs, or a combined brief, responding to each supplemental opening brief by September 24, 2026; and the OpenAI Defendants and Microsoft shall each file a supplemental reply brief by October 26, 2026;

WHEREAS, the foregoing briefing stipulation remains pending for entry before the Court;

WHEREAS, on August 12, 2025, the Court denied Plaintiffs' motion to dismiss the counterclaims asserted by OpenAI, Inc., OpenAI OpCo, LLC, and OpenAI Global, LLC (Dkt. 228); and

WHEREAS, Plaintiffs have not yet served their answer to the counterclaims, which had been stayed for resolution in Phase II;

NOW, THEREFORE, the Parties stipulate that Plaintiffs shall file their answer to the counterclaims on or before August 10, 2026.

Dated: June 30, 2026

MOLOLAMKEN LLP

By: */s/ Robert K. Kry*
Robert K. Kry (*pro hac vice*)

Attorneys for Plaintiffs Elon Musk and X.AI Corp.

Dated: June 30, 2026

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Attorneys for the OpenAI Defendants

Dated: June 30, 2026

DECHERT LLP

By: */s/ Russell P. Cohen*
Russell P. Cohen (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: June 30, 2026

/s/ Robert K. Kry
Robert K. Kry (*pro hac vice*)

[PROPOSED] ORDER

GOOD CAUSE APPEARING, the Court hereby approves the foregoing Stipulation. It is accordingly hereby ordered that Plaintiffs shall file their answer to the counterclaims on or before August 10, 2026.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

_____
Hon. Yvonne Gonzalez Rogers
United States District Judge