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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

OPENAI DEFENDANTS' NOTICE OF JOINDER TO DEFENDANTS MICROSOFT CORPORATION, REID HOFFMAN, AND DEANNAH TEMPLETON'S OPPOSITION TO ENCODE'S MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Date: January 14, 2025
Time: 2:00 p.m.
Courtroom: 1 – 4th Floor
Judge: Hon. Yvonne Gonzalez Rogers
Compl. Filed: August 5, 2024

PLEASE TAKE NOTICE that 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 (the "OpenAI Defendants"), through their undersigned attorneys, hereby join, adopt, and incorporate by reference Defendants Microsoft Corporation, Reid Hoffman, and Deannah Templeton's Opposition to Encode's Motion for Leave to File Amicus Curiae Brief in Support of the Part of Plaintiffs' Motion for a Preliminary Injunction Seeking to Enjoin the Restructuring of OpenAI into a For-Profit Enterprise (Dkt. No. 89).

The OpenAI Defendants would be similarly prejudiced by the untimely filing of Encode's proposed brief, which expressly supports Plaintiffs' motion for a preliminary injunction, without having had the opportunity to address the amicus filing in their Opposition. The OpenAI Defendants accordingly adopt the Microsoft Defendants' Opposition to Encode's motion.

Date: January 10, 2025

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/s/ Jordan Eth

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