EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: OpenAI, Inc. Copyright Infringement Litigation	No. 1:25-md-03143-SHS-OTW

MEMORANDUM OF *AMICI CURIAE* INDEPENDENT CREATORS SARAH ROSE SISKIND AND MICHAEL WALL IN SUPPORT OF OPENAI DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Date: October 30, 2026

Jo-Ann Tamila Sagar
Lauren Cury (PHV application forthcoming)
HOGAN LOVELLS CADWALADER US LLP
555 Thirteenth Street, NW
Washington, DC 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
jo-ann.sagar@hlc.com

Johannah Cassel-Walker (PHV application forthcoming)
HOGAN LOVELLS CADWALADER US LLP
4 Embarcadero Center, Suite 3500
San Francisco, CA 94111

Attorneys for Amici Curiae Sarah Rose Siskind and Michael Wall

STATEMENT REGARDING AUTHORSHIP AND FUNDING

No party's counsel authored this brief in whole or in part. No party, party's counsel, or person other than Sarah Rose Siskind, Michael Wall, and their counsel contributed money intended to fund the preparation or submission of this brief.

TABLE OF CONTENTS

Page

STATEMENT REGARDING AUTHORSHIP AND FUNDING i

TABLE OF AUTHORITIES iii

INTEREST OF *AMICI CURIAE* 1

INTRODUCTION 2

ARGUMENT 3

I. AI Has Transformed the Business of Being an Independent Creator 3

A. The Administrative Burden on Independent Creators 3

B. Sarah Rose Siskind's Story: Running a Comedy Business 5

C. Michael Wall's Story: Running a Music Business 6

D. The Common Thread: Time Reclaimed for Creative Work 8

II. AI Augments—But Does Not Replace—Human Creativity 9

A. AI as a Tool 9

B. AI as a Medium for New Creative Expression 10

C. The Nature of the Relationship Between AI and Human Artistry 11

III. The Creator Community is Using AI Tools to Advance Creativity 12

A. AI Tools Are Leveling the Playing Field for Independent Creators 12

B. AI Tools Help Audiences Discover Niche Creators and Drive Consumption of Human-Created Works 13

C. Working Creators Use AI Tools Critically and Responsibly 14

D. Today's Debate Over AI Echoes the Historical Pattern in Which New Technologies Have Expanded the Possibilities of Art 15

CONCLUSION 16

TABLE OF AUTHORITIES

Page(s)

CASES:

Authors Guild v. Google,
804 F.3d 202 (2d Cir. 2015).....14

Google v. Oracle,
593 U.S. 1 (2021).....15

Kadrey v. Meta Platforms, Inc.,
788 F. Supp. 3d 1026 (N.D. Cal. 2025).....12

Perfect 10, Inc. v. Amazon.com, Inc.,
508 F.3d 1146 (9th Cir. 2007).....14

Twentieth Century Music Corp. v. Aiken,
422 U.S. 151 (1975).....15

OTHER AUTHORITIES:

About Sound for Movement, SOUND FOR MOVEMENT,
https://www.soundformovement.com/about (last accessed Oct. 30, 2026).....7

About Us, HELLO SCICOM, https://www.hellosci.com/about
(last accessed Oct. 30, 2026).....5

Kieth A. Carlson, *The Impact of Humor on Memory: Is the Humor Effect About Humor?*, 24 Humor 21 (2011).....5

David Cheng & Lu Wang, *Examining the Energizing Effects of Humor: The Influence of Humor on Persistence Behavior*, 30 J. Bus. & Psych. 759 (2015).....5

Hwiman Chung & Xinshu Zhao, *Humour Effect on Memory and Attitude: Moderating Role of Product Involvement*, 22 Int'l J. Advert. 117 (2003).....5

CS50, *CS50 Tech Talk with OpenAI – ChatGPT for Writers*, YouTube (Feb. 20, 2025), https://youtu.be/ZeTeHYHOtuw?si=n1cekV0W8Y3qph1T&t=210s 10

Home, HELLO SCICOM, https://www.hellosci.com/ (last accessed Oct. 30, 2026) 5

Our Work, HELLO SCICOM, https://www.hellosci.com/work
(last accessed Oct. 30, 2026).....5

Why Science Comedy, HELLO SCICOM, https://www.hellosci.com/why-science-comedy (last accessed Oct. 30, 2026).....5

INTEREST OF *AMICI CURIAE*

Amici curiae are independent creators who use AI tools, including large language models (LLMs), in their creative and commercial work. Their livelihoods depend both on the ability to create and license original works and on access to affordable tools that help independent creators compete, reach audiences, and manage the work surrounding their art. They therefore have a direct interest in the Court's consideration of how the development and use of generative AI affect working creators.

Amici are uniquely situated to share with the Court their experience as independent creators using AI in practice, including its benefits, limitations, and relationship to human judgment. As they know firsthand, AI tools can lower the administrative, technical, and financial barriers that disproportionately burden independent creators, support rather than replace creative decision-making, and help creators reach audiences and compete with larger organizations. *Amici* submit this brief to provide that practical perspective and to assist the Court in evaluating the issues presented by Defendants' motion for summary judgment.

Sarah Rose Siskind is a science-comedy writer, comedian, and the owner of Hello SciCom, a business that helps make smart ideas entertaining. Before Hello SciCom, Siskind was the head comedy writer at Hanson Robotics and on Neil deGrasse Tyson's TV show *StarTalk*. She has also written jokes for the White House Correspondents' Dinner and has been mentioned in *The New Yorker* and *The New York Times*. Siskind has worked at the intersection of AI and creativity since 2019, when she was hired to be a chatbot and personality writer for Sophia the Robot. Siskind uses AI tools to perform routine business tasks, conduct and organize research, test and develop ideas, move projects across creative mediums, and help audiences discover her work. In

Siskind's words, "I have a direct stake in a creative economy in which people can make a living from their work. I also have a direct stake in access to tools that make that work possible."

Michael Wall is an independent musician, composer, and music educator whose catalog includes 74 albums and 606 tracks. He also owns and operates Sound for Movement, through which he distributes and licenses his original compositions, operates an independent digital storefront, and teaches music through educational materials and software. Wall has used AI tools since the release of GPT-3.5, primarily to support the business side of his creative work. As Wall explains, "Although there are many creative ways to use AI, as a musician, I have found it most useful in supporting my business so that I might have more time to make music."

INTRODUCTION

"LLMs can inspire or help someone to write a story, compose a song, write a movie script, or produce any other kind of art." Statement of Interest of the United States at 3, *In re OpenAI, Inc. Copyright Infringement Litig.*, No. 1:25-md-03143 (S.D.N.Y. Sept. 1, 2026) ("U.S. Statement"). This brief offers a window into what that sentence means in practice through the work of two independent creators who rely on copyright protection *and* AI tools to sustain their livelihoods. *Amici* Sarah Rose Siskind and Michael Wall are artists who create and license original works. But they use AI to handle work surrounding the creative process and to grow their businesses in a market teeming with better-resourced competitors. For *Amici*, AI does not displace creativity or shortcut their creative processes. AI helps them create more, and to extend their work into new modes of expression.

Amici's experience underscores the United States' view that AI tools "can and should help level the playing field between mainstream and independent publishers." Siskind uses AI in every aspect of her business, from day-to-day administrative tasks to developing ideas and bringing in

new clients. With AI, her noncreative work is faster and less expensive, and her creative work is better. As she tells it, "I don't think I could run my business without AI at this point." Similarly, AI helps Wall manage the operational demands of his music business, reduce costs, and devote more of his time to composing music. Like Siskind, he doubts that his business could survive in its current form without AI.

Plaintiffs' suit oversimplifies the relationship between AI and the creator community, ignoring at least three basic facts about the use of AI among many independent creators. *First*, AI has transformed the business of being an independent creator, freeing time and resources for creative work. *Second*, AI augments human artistry, providing artists a sounding board for developing and refining new ideas and removing barriers that previously limited creators to particular mediums. *Third*, creators are already using AI, and they are doing so critically and responsibly, recognizing—as Siskind puts it—that "[n]ew technologies have repeatedly opened new possibilities for art." *Amici* request that the Court consider Defendants' motion for summary judgment with these realities in view.

ARGUMENT

I. AI Has Transformed the Business of Being an Independent Creator.

Independent creators often bear the same burdens as small business owners—day-to-day tasks that drain time and money from their craft and magnify the advantages of larger creators. AI reduces those burdens by automating noncreative work and allowing creators more time to actually create.

A. The Administrative Burden on Independent Creators

Behind the scenes of every independent creator is the business of creating independent art. From securing new clients to creating invoices, renewing insurance policies to preparing Schedule

Cs—the time that independent artists spend on administrative tasks can quickly outpace the time spent on their actual craft.

Independent creators cannot avoid these mundane obligations. Business administration is indispensable to converting goods and services into a reliable stream of revenue, paying taxes on that revenue, and using what remains to pay salaries and invest in a hopefully growing business. Some businesses outsource these tasks, but that is a luxury that many independent creators cannot afford. As a result, artists are often forced to divert time from their specialties—in areas like comedy or music or visual arts—and become generalists—in areas like marketing and negotiating and customer service. Worse still, these business burdens come at a personal cost, cutting into dinnertime with family, children's stories before bed, or weekends with friends.

Managing these administrative burdens in-house can also create a competitive disadvantage. Tasks like bookkeeping, data entry, and website design are technical and time-consuming. Independent artists typically cannot replicate the speed or proficiency of the accountants, analysts, and graphic designers who perform these tasks for corporate-backed creators. The gap in efficiency means that independent creators have *less* time to spend honing their craft and differentiating their work from other artists'. The proficiency gaps compound the problem, making independent creators more susceptible to administrative oversights that eat into their bottom line.

AI has helped level the playing field. By allowing independent creators to complete technical and time-consuming business tasks more quickly, AI reduces the competitive disadvantages that independent creators otherwise face. These time and money savings enable independent creators to devote more of their limited resources to refining their craft, serving their audiences, and growing their businesses.

B. Sarah Rose Siskind's Story: Running a Comedy Business

In addition to being a comedian and head writer, Siskind owns and operates a science comedy business called Hello SciCom. Siskind founded Hello SciCom "to make the world less boring." *Home*, HELLO SCICOM.[1] Studies show that comedy can provide a backdoor to understanding, helping people retain more information for longer,[2] and increasing an audience's energy[3] and interest[4] in a topic. *Why Science Comedy*, HELLO SCICOM.[5] Armed with this knowledge, Hello SciCom dedicates itself to helping people more effectively communicate complex ideas, particularly in STEM, AI, robotics, and education. *Home*, HELLO SCICOM; *About Us*, HELLO SCICOM.[6] The need for this service is reflected in the breadth of the company's clients. Hello SciCom has written jokes for billion-dollar companies, FOX, National Geographic, Hilarity for Charity, The New Yorker Radio Hour, Honda Research Institute, and the office of the Mayor of New York City. Siskind has also written and performed comedy at venues ranging from the Comedy Cellar, SXSW Edu, and Harvard's coding CS50 class. *Our Work*, HELLO SCICOM[7]; *About Us*, HELLO SCICOM.

AI saves Siskind substantial time on the everyday tasks that come with running Hello SciCom. Expense tracking is one example. While writing a statement for this brief, Siskind had

---

[1] Available at https://www.hellosci.com/ (last accessed Oct. 30, 2026).

[2] Kieth A. Carlson, *The Impact of Humor on Memory: Is the Humor Effect About Humor?*, 24 Humor 21, 30-33 (2011).

[3] David Cheng & Lu Wang, *Examining the Energizing Effects of Humor: The Influence of Humor on Persistence Behavior*, 30 J. Bus. & Psych. 759, 766-772 (2015).

[4] Hwiman Chung & Xinshu Zhao, *Humour Effect on Memory and Attitude: Moderating Role of Product Involvement*, 22 Int'l J. Advert. 117, 132-137 (2003).

[5] Available at https://www.hellosci.com/why-science-comedy (last accessed Oct. 30, 2026).

[6] Available at https://www.hellosci.com/about (last accessed Oct. 30, 2026).

[7] Available at https://www.hellosci.com/work (last accessed Oct. 30, 2026).

an AI agent running in the background, collecting receipts to draft an invoice covering her expenses during a work trip. Another time, Siskind used a ChatGPT agent to populate a spreadsheet she uses to calculate her quarterly business margins. The agent reviewed transactions in her personal bank account, identified deductible business expenses, and created a spreadsheet with relevant data. Before AI, this task would have taken Siskind at least an hour; it took the agent roughly five minutes. Siskind sees similar time-saving results when using AI to identify sales opportunities, manage payroll, review contracts, and prepare tax information. As Siskind explained, "In robotics we had a saying that robots would automate the three 'Ds': the dirty, the dangerous, and the dull. AI has helped me with the latter."

But Siskind also partners with AI on business tasks that are unique to her profession. For example, Siskind once asked ChatGPT to build a weighted casting rubric that accounted for an applicant's humor, scientific knowledge, availability, and rates. Siskind told ChatGPT the relative importance of each category and asked it to leave the evaluations blank. Relying on AI for this task not only expedited the "administrative drudgery" of making color-coded and weighted spreadsheets; it also provided substantive help in standardizing Siskind's evaluation criteria. ChatGPT did not *replace* Siskind's judgment; it *enabled* her to better evaluate candidates.

Siskind is "a savvier, more efficient business owner" because of AI. Without it, Siskind does not think she could run her business. Even when the tools provide only modest gains in quality, they offer huge gains in speed, allowing Siskind more time to focus on the comedy and science at the heart of her work.

C. Michael Wall's Story: Running a Music Business

Wall is a composer and musician whose work spans 74 albums, comprising 606 tracks. Wall also owns and operates Sound for Movement, a business he founded to distribute and license

his music, and to provide educational resources for dancers, choreographers, and teachers. *About Sound for Movement*, SOUND FOR MOVEMENT.[8]

AI has transformed the way Wall runs his business, enabling him to more efficiently complete a long list of everyday business tasks. Website development is one example. Before AI, Wall paid web developers $10,000–$30,000 per year to help keep his website up to date. Less expensive, template-based websites like Squarespace and Bandzoogle exist, but they do not allow users to easily filter the hundreds of tracks in Wall's library or reliably stream audio files from anywhere around the globe. AI gave Wall the tools to build his own website from scratch. Now, AI maintains the website on a daily basis. The result: a decrease in cost and an increase in quality. Wall's website has been online and operational every day since he built it with the help of AI in early 2025.

Wall sees these cost- and time-savings in several areas where AI reduces his reliance on outside experts. For example, Wall used to incur substantial legal fees when generating licensing agreements and other contracts covering his music and educational materials. Now, Wall uses AI to transcribe client calls and convert those transcripts to draft contracts. These AI-drafted contracts better reflect Wall's conversations with clients, and reduce the time his attorney would otherwise spend creating an initial draft—time that Wall would have to pay for. AI also reduces Wall's reliance on outside financial support, helping Wall with bookkeeping, tax preparation, and converting his company into an S corporation.

AI also yields efficiency gains on tasks that are far less technical. Customer support is critical for reaching new clients and maintaining existing customers' trust. Without AI, customer support is extraordinarily time consuming. With AI, an agent can monitor Wall's support inbox;

[8] Available at https://www.soundformovement.com/about (last accessed Oct. 30, 2026).

analyze a customer's description of their problem; submit a fix for approval; and draft a response to the customer. This process, for a single customer, could take Wall hours. AI can do it for multiple customers, across all of Wall's products and services, before he sits down for work in the morning.

And much like Siskind, Wall partners with AI on administrative tasks that are unique to his profession. Apart from making new music, Wall spends the majority of his time at work maintaining his library and ensuring parity across the three platforms that house his full body of work: his personal website, a third-party distributor, and Bandcamp. At one point, Wall needed to create an individual product page for every track, album, and collection in his library. This required him to create "Test" and "Live" products for each track, album, and collection—totaling approximately 1,350 product pages. Without AI, Wall would have spent weeks of around-the-clock work completing this task. AI did it in a few hours without making any mistakes.

D. The Common Thread: Time Reclaimed for Creative Work

For Wall and Siskind, AI's most important contribution is not music or comedy. It is time—time recovered from the work *surrounding* creation and returned to the creative work that is their actual vocation and livelihood. Reducing impediments to their creative work also allows Siskind and Wall to spend more time with loved ones and to better adapt to life's challenges.

Time saved in knowledge work is critical for Wall. He is responsible for every aspect of his business, in an industry that is uniquely competitive. AI helps even the playing field, allowing Wall to spend more time creating music and less time on everything else. Indeed, this competitive advantage has become more of a competitive necessity as rising prices create economic pressure for independent creators across the board. Without AI, Wall does not think his business could survive in its current form.

Time-saving automation is similarly vital for Siskind, particularly now that she is a parent. AI allowed Siskind to spend additional hours with her child by completing certain business-related tasks more quickly. With voice agents, Siskind could meaningfully move projects forward even when she was not physically in front of a computer. AI voice agents still support Siskind as a working parent. When her son is sent home sick from daycare an hour before a team meeting, Siskind can hold her kid and dictate a cancellation email—all without even breaking eye contact. In these ways and others, Siskind feels like AI allows her to spend more time with her son.

II. AI Augments—But Does Not Replace—Human Creativity.

AI does not replace the judgment or experience that creators bring to their work. Instead, it helps them develop ideas, overcome practical obstacles, experiment across mediums, and reach audiences in ways that might otherwise be beyond their resources or technical abilities. As Siskind's and Wall's experiences illustrate, AI supports the creative process while leaving creative direction with the creator.

A. AI as a Tool

AI is not a substitute for human creativity. As Siskind puts it, AI usually cannot on its own "generate[] what I would grade as an acceptable punchline to a monologue joke." Without thoughtful human inputs, AI jokes can "sound like a very drunk comedian doing an impression of a sober comedian. They have the sound and timing of a joke, but the actual joke is either too nonsensical or too obvious."

AI nonetheless plays a critical role in Siskind's creative process. For example, Siskind collaborates with AI to overcome writer's block and generate new avenues for exploration. Siskind describes writer's block as a form of loneliness, where artists can become trapped by their own internal critic. By prompting AI to "interview me until I accidentally say something

interesting," she creates a dynamic exchange that helps surface new ideas and perspectives. This process parallels the "Yes, and" principle underlying much of improv comedy—a theory that comedy is built off of any premise, even a faulty one. AI outputs can similarly be a springboard for comedy, even when the output itself is imperfect. As Siskind explains, "sometimes ChatGPT will suggest a bad joke but it might inspire me to write a related joke I would test out." In this way, AI identifies possibilities, while the artist exercises judgment, taste, and creative direction. Siskind illustrates this process here: CS50 Tech Talk with OpenAI - ChatGPT for Writers**.**

Siskind also relies on AI for the significant research required to develop and effectively execute a joke, particularly in science comedy. AI tools are "immensely useful" for research, sourcing and fact checking. For example, Siskind once used AI to find an example of a "lawnmower accident in the past week, but nothing too sad." AI can also help Siskind better understand her audience and properly gauge what jokes will resonate, depending on a particular venue or geography. And Siskind has found AI to be a valuable fact-checker, helping her "find and check information quickly enough to produce timely scripts."

Although AI has helped Siskind refine her craft, she does not consider it a shortcut. "I put in as much time and labor writing jokes as I ever did but I consider the quality better," Siskind explains. Nor does Siskind believe that AI replaces the work that comedians must do to ensure that a good joke actually lands. "I consider the jokes I created while using AI to source and finesse the material to be my own creation. If the joke bombs on stage, it's my own fault."

B. AI as a Medium for New Creative Expression.

Beyond enhancing an artist's craft, AI can enable artists to expand their work into new media. Siskind notes that she has used AI to create "things I could not realistically have made otherwise: websites, children's books, a song, a music video, posters, and graphical poems." Some

of these projects have gone viral on social media and gained her tens of thousands of new followers.

This fluidity not only increases an artist's reach; it can enhance artistic expression itself. A writer can transform a poem into a song, a musician can create accompanying visual art, and a filmmaker can rapidly prototype scenes and storyboards. AI helps creators experiment with combinations of text, images, audio, video, and interactive experiences, allowing ideas to evolve into forms that aid in communicating the work's intended message. AI facilitates that expansion by giving creators new tools for their artistic expression.

Siskind's experience with a feminist rage poem illustrates that potential. After writing the poem, she used AI to transform the poem into a song and then used AI again to turn the song into a music video. The resulting work resonated with millions of online viewers. Siskind credits that success to the creative independence AI facilitates. Another creative collaborator "might have told [her] to temper some of the weirder turns that later turned out to make the video unique and so deeply resonant."

The success of Siskind's music video highlights another way that AI is supporting independent creators: it democratizes the creative process. AI expands access to creative technologies, allowing artists to develop their work across different media and pursue creative possibilities that might otherwise be beyond their technical or financial resources. This opens the door for new entrants to participate in artistic creation and enables established artists to pursue projects outside their primary discipline.

C. The Nature of the Relationship Between AI and Human Artistry

AI is not a substitute for creativity. It is a way to augment that quintessentially human undertaking—sometimes by handling routine tasks, sometimes by offering a creative spark, and sometimes by enabling entirely new forms of expression—but always in service of a human vision.

In that respect, AI follows a long line of technologies that have accelerated experimentation, broadened access to creative production, and empowered artists to work across multiple media. And as with those earlier tools, AI cannot supply the human experience, judgment, and imagination that give art meaning.

Amici agree: AI does not supplant humans in the creative process because it cannot. As Siskind explains, "AI is built on prediction algorithms," but comedy is the exact opposite: it is "the art of the delightfully unpredictable." Wall has a similar view about AI's role in music. "People come to me because of me. These generative AI systems sound nothing like my music, even when making something from a piece of my music." AI thus functions not as a replacement for artists, but as a powerful extension of their capabilities. Indeed, AI helps independent artists create, hone, and share the human creativity that cannot be replicated.

III. The Creator Community is Using AI Tools to Advance Creativity.

Independent creators across disciplines already use AI tools to reduce practical barriers, reach audiences, and support their creative and commercial work.

A. AI Tools Are Leveling the Playing Field for Independent Creators.

Amici's experience answers a specific concern raised in *Kadrey v. Meta Platforms, Inc.*, 788 F. Supp. 3d 1026 (N.D. Cal. 2025). There, the court speculated that AI-generated works "could successfully crowd out lesser-known works or works by up-and-coming authors," even preventing "the next Agatha Christie from getting noticed." *Id.* at 1052.

But the *Kadrey* court was wrong. AI tools have not crowded out *Amici*'s work. Instead, "LLMs can and should help level the playing field between mainstream and independent publishers." U.S. Statement, *supra*, at 4. "Authors with limited resources can use LLMs to compete." *Id.*

Amici have each experienced this firsthand. For example, Siskind works in science comedy, where she says accuracy is "imperative." Yet she cannot always afford a dedicated, high-quality fact-checker for everything she writes. That is a resource that larger companies can generally afford to provide to their staff members. But Siskind cannot. AI helps her fill that gap. An AI agent can help her quickly identify the sources that she needs to fact-check her own work. In so doing, AI allows her to compete with larger operations. Wall similarly uses AI to help solve the problems created by his limited resources. In his words, AI has "allowed me to survive during this very difficult economic time for artists."

The plaintiffs in this litigation are well-known authors, many of them best-selling. A rule that lets only the largest companies afford LLM development, and that steers licensing revenue mainly to legacy media outlets, would leave independent creators like *Amici* behind.

B. AI Tools Help Audiences Discover Niche Creators and Drive Consumption of Human-Created Works.

The benefits of AI tools for independent creators are not limited to bringing down operating costs. AI tools also connect creators with audiences who might otherwise have struggled to find them. That is Siskind's experience. A sales prospect found her through xAI. She works in science comedy, which she describes as "a niche field," and when looking for comedy writers, people often do not use the exact search terms that would lead them to Siskind's work. But AI tools can help people find her, even when they don't know the right words to describe what they are looking for.

Courts have long recognized the public value of technologies that point users toward copyrighted works. The Second Circuit, for example, held that a full-text book search tool was "highly transformative" because it made available "significant information about those books" without serving as a "competing substitute for the original." *Authors Guild v. Google*, 804 F.3d

202, 217, 223-224 (2d Cir. 2015) (emphasis omitted). Similarly, the Ninth Circuit held that "Google's use of thumbnails is highly transformative" because the search engine "transforms [an] image into a pointer directing a user to a source of information." *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1165 (9th Cir. 2007).

Siskind's experience also shows that this discovery function can drive revenue straight back to the creators whose works are at issue here. In her words: "I purchased a subscription to *The New York Times* because of ChatGPT. I was researching science stories and ChatGPT directed me to incomparable science reporting from *The Times*. So when I reached my limit for paywalled articles I bought a subscription." In *Amici*'s experience, the tools at issue have *created* paying customers for human-authored works rather than displaced them.

C. Working Creators Use AI Tools Critically and Responsibly.

Plaintiffs cast AI users as passive consumers who will take machine output in place of human work. *Amici*'s experience is different. Creators like Wall and Siskind use AI critically, with clear awareness of its limits, and they remain responsible for every creative decision.

Siskind is candid about those limits: "AI is not perfect. It hallucinates; it can be sycophantic; it can be generic; it can miss context. But I have become well studied in how it works, and the more I use it, the better I am at combatting these issues." Siskind "always check[s] highly reliable or primary sources," does "not take what it suggests at face value," and "prompt[s] it to challenge [her]." As she puts it, "AI helps me find those sources; it does not replace checking them."

Wall draws an equally careful line around AI tools. He finds the technology behind certain generative music platforms "infinitely inspiring." But he is unambiguous on infringement: "Nobody on the planet thinks it is okay to steal someone else's music," and "[m]y business is licensing my work, so I am legally opposed to those who would use it illegally."

D. Today's Debate Over AI Echoes the Historical Pattern in Which New Technologies Have Expanded the Possibilities of Art.

The fear that a new technology will extinguish human creativity is not new, and copyright law is not a license to act on that fear. Where a new use enables "creative improvements, new applications, and new uses," treating copyright as "a lock limiting the future creativity of new programs," "would interfere with, not further, copyright's basic creativity objectives." *Google v. Oracle*, 593 U.S. 1, 39 (2021).

Working creators recognize this pattern from experience. Siskind notes that:

> New technologies have repeatedly opened new possibilities for art. The introduction of photography helped inspire impressionism. Radio brought Bob Hope into living rooms across America. The introduction of sound in film led to *Singin' in the Rain*. The internet gave us Will Ferrell's *Funny or Die*. Social media gave us Moo Deng, ASMR, the Ice Bucket Challenge, and somehow reinvigorated sea shanties. So too will art adapt and thrive to this new technological wonder.

Wall, a musician, makes the same point, explaining that "we have had predictive and generative algorithms in music software for many years, so this is not all that new in my domain," and "it is in the nature of art itself that it must always find more surfaces and mediums." He hopes to build "software with AI that helps students make the music that is in their heads and express what they dream of."

Every earlier generation of creative technology was met with predictions of ruin, and each one instead expanded what artists could make and who could make it. The Court should read the Copyright Act "in light of [its] basic purpose" of "stimulat[ing] artistic creativity for the general public good" and recognize that, for creators like *Amici*, the tools at issue here continue that tradition. *Twentieth Century Music Corp. v. Aiken*, 422 U.S. 151, 156 (1975).

CONCLUSION

For the reasons set forth above, *Amici* respectfully request that this Court grant Defendants' motion for summary judgment.

Respectfully submitted,

s/ Jo-Ann Tamila Sagar

Dated: October 30, 2026

Jo-Ann Tamila Sagar
Lauren Cury (PHV application forthcoming)
HOGAN LOVELLS CADWALADER US LLP
555 Thirteenth Street, NW
Washington, DC 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
jo-ann.sagar@hlc.com

Johannah Cassel-Walker (PHV application forthcoming)
HOGAN LOVELLS CADWALADER US LLP
4 Embarcadero Center, Suite 3500
San Francisco, CA 94111

Attorneys for Amici Curiae Sarah Rose Siskind and Michael Wall