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7
 8 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 9 **OAKLAND DIVISION**

10 OPENAI, INC., a Delaware corporation,

11 Plaintiff,

12 vs.

13 OPEN ARTIFICIAL INTELLIGENCE, INC.,
 a Delaware corporation; and GUY RAVINE,
 an individual,

14 Defendants.

15 OPEN ARTIFICIAL INTELLIGENCE, INC.,
 a Delaware corporation and GUY RAVINE, an
 16 individual,

17 The Ravine Parties,

18 vs.

19 OPENAI, INC., a Delaware corporation;
 SAMUEL ALTMAN, an individual; AND
 GREGORY BROCKMAN, an individual,

20 Counterclaim-Defendants.
 21

CASE NO. 4:23-cv-3918

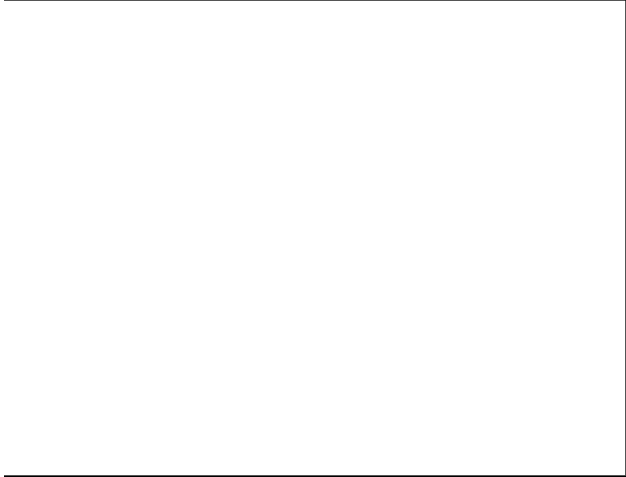
**OPEN ARTIFICIAL INTELLIGENCE,
 INC. AND GUY RAVINE'S
 COUNTERCLAIM TO COMPLAINT**

Assigned to Hon. Yvonne Gonzalez Rogers

Complaint Filed: August 4, 2023

1. **LANHAM ACT UNFAIR
 COMPETITION, FALSE
 DESIGNATION OF ORIGIN OR
 SOURCE, AND FALSE
 ADVERTISING (15 U.S.C. §
 1125(a));**
2. **LANHAM ACT TRADEMARK
 INFRINGEMENT (15 U.S.C. §§
 1114, 1125(a));**
3. **CANCELLATION OF
 APPLICATIONS FOR
 REGISTRATION (15 U.S.C. § 1119)**
4. **CALIFORNIA COMMON LAW
 TRADEMARK INFRINGEMENT;**
5. **FALSE ADVERTISING (CAL. BUS.
 & PROF. CODE § 17500);**

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- 6. **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF TRADEMARK (15 U.S.C. § 1125(a));**
- 7. **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF COMMON LAW TRADEMARK;**
- AND**
- 8. **DECLARATORY JUDGMENT OF OWNERSHIP OF OPEN AI MARK**
- 9. **DECLARATORY JUDGMENT OF TRADEMARK INVALIDITY**

[DEMAND FOR JURY TRIAL]

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11		Counterclaimants and Defendants Open Artificial Intelligence Inc. (“Open AI”), and its	
12		President, Guy Ravine (“Ravine” and with Open AI, the “Ravine Parties”), for their compulsory	
13		counterclaims against Counterclaim-Defendants OpenAI, Inc.; Samuel Altman; and Gregory	
14		Brockman (collectively, “Counterclaim-Defendants”), and demanding trial by jury, allege as	
15		follows:	

I. PROLOGUE

1. The promise of Open AI to be open sourced and serve humanity was created by Guy Ravine in late 2014, after two-and-a-half years of intense contemplation about how to ensure the future of artificial general intelligence remains under the control of humanity as a whole. This was a year before the announcement of the company founded by Sam Altman and Greg Brockman.

2. While others were talking about AGI, Ravine found the secret sauce to build AGI: a special ingredient that would allow his not-for-profit initiative for humanity to compete with the likes of Google in AI when it was considered “impossible.” That secret sauce was reflected in the principles he conceived: An artificial intelligence organization that would be open-sourced, not for

1 profit and 100% for humanity, as a standalone initiative and most importantly, encapsulated in the
2 magical words of Open AI.

3 3. This concept would attract the world’s top researchers when it was not possible for
4 a new initiative to compete with large companies like Google on AI talent due to resource
5 constraints. By 2015, Ravine had held discussions with top industry leaders on the foundation,
6 launch, and support of the Open AI non-profit initiative to build AGI for the benefit of humanity.
7 Prominent institutions such as Google Research expressed interest in backing the initiative, and
8 Ravine was in discussions to raise up to \$100 million to launch Open AI.

9 4. Altman and Brockman learned of Ravine’s Open AI, and saw within it its promise,
10 not to give it to humanity, but as a recipe to gain control of an AGI effort that could compete with
11 Google for themselves. As internal emails show, to them this promise to be open for humanity was
12 simply a “recruiting strategy for the short and medium term.”

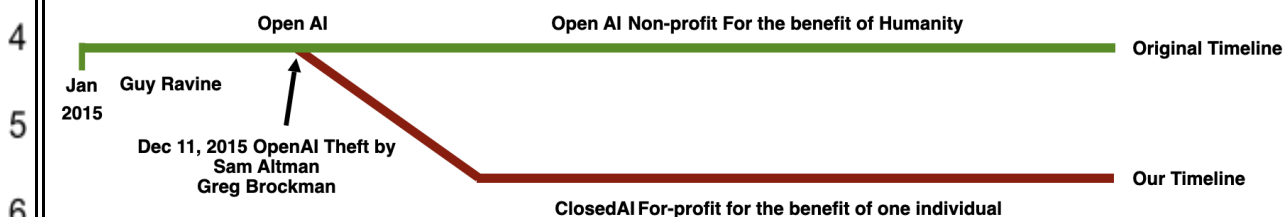
13 5. Altman and Brockman duplicated Ravine’s initiative, name, principles, mission,
14 vision, and even domain, and statements, word for word.

15 6. As they rushed to usurp Ravine’s Open AI, Altman and Brockman falsely
16 announced in the media and elsewhere that they had \$1 billion in funding commitments and a long
17 list of researchers. They used the promise to be open, not-for-profit and for humanity to dupe
18 talent and funders such as Elon Musk. Neither statement turned out to be true. However, based on
19 these misstatements, they were able to attract the best AI talent from institutions like Google when
20 they could otherwise not compete. They were also able to scare away competitors.

21 7. The truth is, when they announced the \$1 billion commitment for funding, they had
virtually no money. Their financials showed they only raised \$13 million through the year 2016.
And when they said they would be open and nonprofit and for humanity they lied. Based on the
announcement by Altman and Brockman’s company that they were non-profit, operating for

1 humanity, and had \$1 billion in donor commitments and their assurances to Ravine that they
 2 would fulfill his mission, he decided to let them be the stewards of the mission.

3 8. Ravine’s recipe for AGI worked—since that time, no new organization other than



7 OpenAI, Inc. and its spinoff Anthropic have been able to challenge Google. But it did not work as
 8 Ravine intended, to serve humanity, as it has been diverted to the end benefit of a single individual
 9 who was fired by his board for failing to uphold the promise to act for humanity above his
 10 personal interests. Cynically, with the hijacking of Open AI, Altman created the exact scenario
 11 that Ravine created Open AI to prevent—the unlimited concentration of this great power.

12 II. INTRODUCTION

13 9. This Counterclaim unveils the untold origin story and the dark secrets lurking
 14 behind the façade of OpenAI, Inc..

15 *“I am really glad that you are going to make the back story public. More people need
 16 to know about this.”*

17 - Yann LeCun, the Father of Deep Learning, and Meta’s Chief AI Scientist.

18 *“It is tragic that the hijacking of Open AI from Guy Ravine may have historic
 19 consequences.”*

20 - Tom Gruber, Co-Founder of Siri, and Apple’s former leader on AI.

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A. The Implications of Open AI’s Hijacking

10. The ultimate prize in human history is Artificial General Intelligence (AGI), an artificial intelligence capable of serving as a general technological replacement for human intelligence and labor. Because of the rapid evolution of general AI systems today, hundreds of forecasters expect AGI to be built in a median of two years. An OpenAI, Inc. researcher expects it to happen “any year now.” Some believe that it has already been attained within OpenAI, Inc.. This will be the most important event in human history, as historian Yuval Harari said, for history “will continue with somebody else in control” - a system far more capable and powerful than humans.

11. Whether it occurs in two years or six or ten—this raises the most pressing and important question in history: who will control the large-scale AGI systems, data centers of artificial human workers capable of outsmarting, displacing or overpowering humanity—Humanity, or a few individuals?

12. This was the question Ravine asked when he set out to create Open AI.

13. After years of thinking about how to create a way to build AGI and put it in the hands of humanity, rather than in the hands of a few individuals, OpenAI was born. Within it was automatic mechanism of sharing the benefits with humanity but also a way to acquire the best talent to build it for humanity — at a time when no upstart could.

14. As consequence of Ravine’s work and of Altman and Brockman’s subsequent hijacking, the remnant is that today OpenAI, Inc. is legally a non-profit corporation and its charter pledges that its “primary fiduciary duty is to humanity”—not to shareholders or to directors, or to officers, but solely to humanity. In other words, every individual on this planet, as a member of humanity, is the de facto owner of OpenAI. Because OpenAI is on the brink of creating a

1 technological replacement for humans, it is of unprecedented critical importance that its charter to
2 serve solely humanity remains wholly, completely and entirely true with no interference by the
3 personal agenda of any individual.

4 15. But OpenAI has undergone a remarkable transformation, transforming from an
5 open, non-profit organization with a fiduciary duty to humanity into a closed, for-profit entity, that
6 appears to be under the de facto personal control of a single individual, Sam Altman — who after
7 being fired in November 2023 came back to effectively fire the board that was put in place to
8 defend the company’s fiduciary responsibility to humanity.

9 16. The reason for this remarkable transformation is simple. Whereas Ravine created
10 OpenAI for humanity with the automatic sharing mechanism of openness enshrined in its name in
11 an effort to limit power, Altman and Brockman hijacked and used the very ideology as a means to
12 gain control of power — the power of AGI. In Altman’s words, he believed that OpenAI’s AGI
13 systems could “capture the light cone of all future value in the universe.” For Altman OpenAI, Inc.
14 was not about limiting concentration of power by sharing the benefits — it was simply a “short to
15 medium term recruiting strategy”, meant to capture the benefits.

16 17. The history of OpenAI paints a picture not of individuals operating for humanity
17 but of despots or dictators commanding subjects from a lofty throne. Saying they are working for
18 the people so the people could help them capture the means of production from the people on the
19 promise that they would be given back to the people.

20 **B. Whatever It Takes To Control AGI**

21 18. It was said that digital human intelligence may not be achieved by the smartest or
the hardest working, but by being the ones willing to do whatever it takes. In their “insatiable
pursuit of achieving AGI,” as described by former OpenAI, Inc. employees, it appears that
Altman, and Brockman have and will do whatever it takes.

1 19. Altman and Brockman’s journey to gain personal control of AGI began in May
2 2015. The promise of Open AI to openly serve humanity was, in fact, created by Ravine in late
3 2014, after two-and-a half years of intense contemplation about how to ensure that the future of
4 AGI remains under the control of humanity as a whole. Ravine had already established an AI
5 company in the early 2000’s and created an open collaboration platform called Wikineering in the
6 early 2010’s that was a non-for-profit for the benefit of humanity that openly enabled
7 researchers to collaborate to freely give back innovations to the world.

8 20. These principles of sharing openly with humanity were enshrined Ravine’s fiber
9 from an early age. Ravine set out to create a system that would prevent the concentration of the
10 power of AGI in the hands of a few individuals.

11 21. As Ravine saw it, when built, the power of AGI needed to rest in the hands of
12 humanity as a whole. Instead of bestowing this power to a few individuals, the system would serve
13 to limit concentration of power and distribute the benefits to all people. With this power, all
14 humanity could benefit and exert influence as AI displaces human workers from the economy and
15 re-shapes the political balance of power. The result of this contemplation was Open AI as a
16 non-profit organization to openly share its code for the benefit of humanity.

17 22. Little did Ravine know that his promise of Open AI to openly distribute the
18 benefits to humanity would later be hijacked from him and used to create the very thing that he set
19 out to prevent – the concentration of the power of AGI in the hands of a few individuals.

20 23. By early 2015, Ravine had held discussions with top industry leaders on the
21 foundation, launch, and support of the Open AI non-profit initiative for the benefit of humanity.
As Ravine and others who worked with him held discussions at the top echelons of Silicon Valley
about Open AI the word began to spread. Among those with whom Ravine spoke was Patrick
Collison, CEO of Stripe, who was Brockman’s boss. Stripe had received its initial funding from

1 Sam Altman’s Y Combinator. The two made plans to stay in touch on the Open AI endeavor and
2 in fact, Ravine followed up with emails to Collision. At or around that same time, Brockman
3 decided to leave the company and was trying to decide what to do next. According to Brockman’s
4 blog post, he sought advice from both Collison and Sam Altman. After communicating with
5 Collison, Brockman recalls in his blog, immediately thereafter: “My goal was to figure out what
6 deep learning was.” It is important to note that because word spread, additional mutual individuals
7 in connection with the two groups were well aware of Ravine’s Open AI..

8 24. Prominent institutions such as Google Research expressed interest in Ravine’s
9 initiative, and Ravine was in discussions to raise up to \$100 million to launch the initiative.
10 However, just as Ravine’s Open AI initiative was gearing up to make a major announcement of the
11 Open AI open non-profit for the benefit of humanity, Altman and Brockman learned of Ravine’s
12 initiative, including its secret sauce. They immediately recognized within it a powerful “recipe” to
13 compete with Google in an effort to build AGI. This was considered an “impossible” feat but with
14 the idea of Open AI, in Brockman’s words, it became “not obviously impossible.” By stealing the
15 idea of being open and serving humanity as a non-profit, encapsulated in the powerful words
16 “Open AI,” Altman and Brockman saw a powerful tool – an ideological bombshell that would
17 accomplish what their modest funds could not – demolish the walls of Big Tech companies and set
18 AI research talent free to join their own initiative. Altman and Brockman founded OpenAI, Inc. on
19 the ideology they took from Ravine. They duplicated Ravine’s initiative, name, principles,
20 mission, vision, and even domain, and statements, word for word. On the promise to openly
21 sharing the research with humanity encapsulated in the magical words “OpenAI” and their false
public statements that they had commitments for \$1 billion in funding, they were able to excite
and attract researchers from Google and elsewhere, where it was “impossible” to recruit them
otherwise.

1 25. In addition to their announcing they had \$1 billion in funding commitments, they
2 announced they had signed up a long list of researchers. At that time, they had neither, but based
3 on these false statements, they were able to attract the best AI talent from institutions like Google
4 when they could otherwise not compete. The truth is, when they announced the \$1 billion
5 commitment for funding, they had virtually no money. Their financials showed they only raised
6 \$13 million through the year 2016. All they really were banking on was ideology and the secret
7 sauce they stole.

8 26. After stealing the ideology to build an AGI effort from Ravine, and promising they
9 would give it to humanity, Altman and Brockman sold the promise to Elon Musk for millions of
10 dollars in donations. Musk later sued them for breach of contract for failing to uphold the very
11 promises enshrined in their charter. In 2023, Musk stated that he felt like he “gave money to an
12 organization to save the Amazon rainforest, only for them to become a lumber company and chop
13 down the forest.”

14 27. After deceiving Musk for his money, connections, and clout on the stolen promise,
15 Altman and Brockman continued to deceive the best talent, the entire AI community, and the
16 world at large. They falsely claimed they would be open-sourced and openly sharing the benefits
17 with humanity. But their internal emails told a different story. Just 21 days after their launch,
18 OpenAI internally referred to the promise to openly share with humanity as a “recruiting strategy
19 for only the short and medium term.” They stated that it was “totally OK not to share the science”
20 once they have used the “recruiting strategy” and not to give back to humanity the fruits of the
21 academic research they stole.

 28. After stealing the recipe for an AGI effort for humanity and the ingredients, they
stole the trademarked brand from the Ravine Parties, they took the patented algorithm from
Google, and they took the copyrighted data from millions of creators, as well as all of humanity.

1 As Brockman put it, their very modus operandi was to “have faith that we or someone in the field
2 will manage to figure out the missing ingredient” – only to then take it. To acquire the ingredients
3 to build AGI, Altman and Brockman would do whatever it takes.

4 29. After doing whatever it took to acquire all the ingredients to build AGI—the recipe,
5 ideology, mission, structure, brand, people, money, algorithm, data, and goodwill of the AI
6 community—largely through deception or misappropriation, Altman and Brockman began to race
7 to dismantle the mechanisms put in place to ensure that the control and power of the system
8 constructed lay with humanity and not within their hands.

9 30. As they raced to consolidate personal control over the AGI effort for humanity,
10 Altman and Brockman encountered a fundamental problem. For those who wish to gain personal
11 control of the power of AGI, the promise of “Open AI” had what could be described as a
12 “zero-day flaw.” The incredibly powerful recipe behind the success of OpenAI—which they took
13 from Ravine—was the very promise to ensure that the AGI they be openly shared with the whole
14 of humanity enshrined in its very name, “OpenAI.” On the basis of this stolen promise, Altman
15 and Brockman were able to acquire all the necessary ingredients for the AGI effort under their
16 command—the people joined for this very mission, the donors gave them money to ensure they
17 pursue this very mission, and they captured the goodwill of the AI research community. But this
18 very promise on which they acquired their position also meant that they were supposed to
19 automatically distribute this power and control of the AGI system to humanity and to limit their
20 concentration of power over this powerful technology.

21 31. So, Altman and Brockman set out to eliminate the flaw. In 2019, just three days
after getting fired from Y Combinator for self-dealing for putting his own personal thirst for
acquisition of power ahead of the greater good, Altman turned OpenAI from a non-profit
organization to a for-profit company. Around the same time, Altman and Brockman transformed

1 OpenAI from open to closed by removing the requirement that their code would be open-sourced.
2 The excuse was that it was done for safety, whereas in fact a year later they were selling systems
3 100 times larger and more powerful. In this process, they dismantled the mechanism put in place
4 to automatically ensure that the benefits of AGI would be shared with humanity. Instead of the
5 immutable mechanism of sharing, they replaced it with a board of loyalists who would serve as a
6 frail biological switch that would determine how the benefits would be distributed to humanity.
7 The swapping of the automatic mechanism of openness with a “biological switch” would later
8 prove far too frail and susceptible to influence, deception, manipulation, corruption, power, and
9 legal intimidation.

10 32. After stealing the recipe and the ingredients to build AGI, and deceiving the talent
11 and donors that they would openly operate for humanity, and while systematically consolidating
12 this great power through into their own personal hands, upon information and belief, the duo set
13 out to cover their tracks. Ravine lost significant data due to highly suspicious simultaneous server
14 failures.

15 33. When the board saw Altman’s deception and fired him for his lies – stating that it
16 would be consistent with the mission of OpenAI – Altman and Brockman countered by effectively
17 firing the board, again dismantling mechanisms put in place to protect humanity’s property. Their
18 personal consolidation of power was, once again, successful. The biological switch – the board of
19 humans – failed. It was far too frail to protect the interests of humanity. Using legal intimidation,
20 manipulation, and social media love emojis, in combination with a threat to gut OpenAI’s team
21 and reconstitute them under the banner not of humanity but of Microsoft, along with the specter of
driving the employees equity value down to zero – from millions previously – Altman and
Brockman were able to regain command of humanity’s property. They then proceeded to fire
safety researchers, dismissing those who on information and belief, were close to the ones who

1 alerted the board of an internal breakthrough in AGI that could threaten human existence before
2 the board's firing.

3 34. After diverting humanity's property—Open AI—from its dominion to their own by
4 dismantling the mechanisms put in place to ensure the system operates for humanity and gaining
5 personal command of its now massive resources, Altman gained absolute control as he appointed a
6 new puppet board of loyalists. Altman then rushed to install himself as Co-chair of an AI "Ethics
7 Council" he created and hastily proceeded to construct a \$100 billion system of data centers
8 capable of running millions of superhuman AGI's. At its completion, the system is expected to
9 have perhaps more intelligence than the entirety of humanity combined, and capable of
10 collectively outsmarting and overpowering the entirety of our civilization. In the words of an AGI
11 researcher inside OpenAI, Inc., this system will provide "god-like powers to whoever controls it
12 over everyone else." This system is considered by some researchers as an existential threat. Right
13 now, Altman controls humanity's most powerful and valuable property, which he wields as his
14 own. After saying last year that it is "important that the board could fire me" and that "the world
15 should not trust me," he proceeded to effectively fire the board who fired him. Now Altman is
16 rushing to raise up to a rumored \$7 trillion to create a system of fabs that he would personally
17 control that would, on information and belief, enable him to turn OpenAI, Inc. into its customer,
18 such that he would be able to not only profit handsomely, but also be in personal control of the
19 systems running the very AGIs that could displace and overpower humanity.

20 35. After consolidating power, Altman and Brockman began to abuse their newfound
21 power which they acquired through a legally binding non-profit purporting to operate for
humanity. They wielded the ill-gotten assets of humanity's non-profit against the very originator
from whom they stole the promise, the recipe, the mission, and the brand (and trademark) "Open
AI." They launched the present legal onslaught to which this complaint responds to against Guy

1 Ravine—pitting a \$100 billion behemoth which is humanity’s non-profit, bankrolled with the
2 wallet of a \$3 trillion company and spending millions of dollars on litigation to try to squash,
3 punish, and erase the very originator of the promise to humanity by which they exist in the first
4 place.

5 36. Ravine is one of the original voices left (Elon Musk is another) to defend the
6 promise to uphold the interests of humanity after Altman dismantled the last mechanisms put in
7 place to ensure it remains true when he legally intimidated the board that fired him to resign. Of
8 the 15 lawsuits that OpenAI, Inc. is involved in, 14 are from large companies and groups suing
9 OpenAI, Inc. for stealing money, and only a single outgoing lawsuit, is against Ravine, the very
10 originator of the promise to humanity itself, which Altman and Brockman stole from Ravine.
11 Their lawsuit attempts to paint Ravine as a fraud and a troll and to silence him into submission to
12 ensure he cannot inform humanity about their dark history – as well as to seize control of the
13 Open AI trademark and the open.ai domain, which trademark they have, in fact, misappropriated
14 seeking to deceptively portray openness, when they are utterly closed.

15 37. Ravine had, in fact, offered the trademark to Altman in 2022 if in exchange for a
16 donation to the academic AI research community from which they have taken their very existence
17 – to be true to the name that he so covets. Instead, Altman decided to donate to his lawyers, who
18 have commenced this litigation to take the Ravine Parties’ registered trademark and seize control
19 of the internet domain, open.ai, which Ravine acquired pursuant to his effort to build Open AI.

20 38. Ravine is counter suing OpenAI. Ravine demands that OpenAI uphold its mission
21 to ensure that AGI is truly the property of humanity outside the control of Altman or Brockman or
any other individuals; in addition, OpenAI must change its deceptive and misleading name to
ClosedAI or a different more appropriate name, because first, that name is owned by Ravine
Parties, and more importantly, the name “OpenAI” in the hands of Altman and Brockman is

1 deceptive and misleading, and is beyond absurdity when the company known as “secretively
2 closed AI” also lobbies to literally kill the open AI movement. The name ClosedAI has been
3 repeatedly proposed by numerous industry leaders. Even Elon Musk is willing to drop his lawsuit
4 if the deceptive organization only changes its name.

5 39. Ravine also seeks to strip Counterclaim-Defendants’ rights in the name Open AI
6 for being impermissibly deceptive; this will include an injunction on their use of the Open AI
7 name and the openai.com domain, a cancellation of their applications and an injunction against
8 any future applications. He is also suing for false advertising, unfair competition, unjust
9 enrichment, trademark infringement and a declaration that he is and remains the rightful owner of
10 the Open AI mark, at which point, the mark Open AI would then be provided freely to the whole
11 of humanity, with the exception of Counterclaim-Defendants.

12 40. Just as Altman and Brockman’s deception and the record of their theft is enshrined
13 in their non-profit’s very name, so too is the theft of humanity’s property from humanity. If
14 Altman and Brockman succeed in building AGI while preserving Altman’s personal control over
15 humanity’s property—OpenAI, Inc.—or if Altman is able to maintain the overarching command
16 of the massive data centers that OpenAI is now constructing, each of which will hold millions of
17 AGI agents—Altman and Brockman will have committed nothing less than the most damaging
18 theft in human history.

19 41. We now find ourselves in a timeline when the world’s most advanced AGI will be
20 not under the command of humanity, but under the command of one or two individuals. It is up to
21 humanity to choose whether the timeline should revert back to the control of humanity, before
22 humanity’s future is no longer under its control.

23 42. Tom Gruber, the co-founder of Siri and Apple’s former leader in AI, encapsulated
24 the circumstances:

1 “If OpenAI achieves its mission of developing Artificial General Intelligence, that
2 power would now be concentrated in the hands of a few individuals with apparently
3 no independent oversight rather than shared widely with humanity. It is tragic that
4 the hijacking of Open AI from Guy Ravine may have historic consequences.
Whoever gets AGI first will have a tool that could be used to exert enormous power
over economic and political systems. This power should rest in a democratically
governed society rather than a few people who report to no one.”

5 **III. PARTIES**

6 43. Defendant and Counterclaimant Open Artificial Intelligence, Inc. is a Delaware
7 corporation with its principal place of business at 95 3rd Street, San Francisco, 94103.

8 44. Defendant and Counterclaimant Guy Ravine is an individual residing in Sunnyvale,
9 California. Ravine is the President of Open Artificial Intelligence, Inc.

10 45. Plaintiff and Counterclaim-Defendant OpenAI, Inc. is a Delaware non-profit
11 corporation with its principal place of business at 3180 18th Street, Suite 100, San Francisco,
12 California 94110. It was originally registered on December 8, 2015. OpenAI, Inc. is registered as a
13 foreign corporation with the California Secretary of State.

14 46. Counterclaim-Defendant Samuel Altman is a cofounder and Chief Executive
15 Officer of OpenAI, Inc. Upon information and belief, Altman resides in the Northern District of
16 California.

17 47. Counterclaim-Defendant Gregory Brockman is a co-founder and President of
18 OpenAI, Inc. Upon information and belief, Brockman resides in the Northern District of
19 California.

20 48. Upon information and belief, at all times relevant, each of the
21 Counterclaim-Defendants was the agent of the other Counterclaim-Defendants, and in doing the
things alleged, each of them was acting within the course and scope of an agency relationship and
were subject to and under the supervision of each other. The Ravine Parties are informed and
believe that each of the fictitiously named Counterclaim-Defendants are responsible in some

1 manner for the injuries to The Ravine Parties alleged in this Counterclaim. The Ravine Parties
2 further allege that their injuries their property rights, goodwill, and reputation were directly
3 proximately caused by each and all such Counterclaim-Defendants.

4 **IV. JURISDICTION AND VENUE**

4 49. This Court has original subject matter jurisdiction over this civil action under 28
5 U.S.C. §§ 1331 and 1338, and 15 U.S.C. §§ 1116 and 1121 because this action includes alleged
6 violations of federal trademark and unfair competition laws of the United States pursuant to 15
7 U.S.C. §§ 1114, 1125.

8 50. Additionally, this Court has supplemental jurisdiction over the state law-based
9 claims under 28 U.S.C. § 1367 because those claims are related to the federal claims asserted and
10 therefore form the part of the basis of the same case or controversy and arise from a common
11 nucleus of operative facts.

11 51. This Court has personal jurisdiction over the Counterclaim-Defendants because
12 each have their principal place of business in this jurisdiction and/or sufficient contacts with this
13 jurisdiction. The Court's exercise of jurisdiction over these parties will not offend traditional
14 notions of fair play and substantial justice.

14 52. Under 28 U.S.C. § 1391, venue is proper in this jurisdiction because the Plaintiff
15 initiated this civil action here and/or some of the Counterclaim-Defendants can be found or
16 transact business in this judicial District and/or are residents of this District.

17 **V. FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

18 **A. WHO WILL CONTROL AGI? THE MOST IMPORTANT QUESTION IN 19 HUMAN HISTORY**

19 53. The most important event in human history is now unfolding before our very eyes:
20 the surpassing of human intelligence by artificial intelligence. It is difficult to overstate the
21 significance of this event: Electronic intelligence, which is perhaps 1,000 times faster and cheaper

1 than biological intelligence, is about to surpass human intelligence “any year now.” Comparing the
2 speed of human labor to the speed of these systems is like comparing the movement of plants to
3 animals. In this analogy, humans are the plants. Developments that took place over a span of
4 decades may soon take place over a span of months.

5 54. The emergence of these general AI systems is occurring at an astonishing pace, not
6 over years or decades, but over months. After decades of underachievement, AI models exhibiting
7 general human-like intelligence have leaped from the cognitive abilities of a toddler to those of a
8 PhD student in just 18 months, with their general IQ soaring from 65 to surpass the average
9 intelligence of 100 of most adults only over this past year. The discovery of Scaling Laws has
10 enabled the industry to predict the trajectory of these systems’ intelligence over the coming years.
11 The AI model of 2025 is expected to surpass the intelligence of 95% of humans, and the one of
12 2026 is poised to eclipse the intelligence of all of humanity.

13 55. Whereas OpenAI’s latest GPT-4 model has an estimated IQ higher than that of an
14 average human, OpenAI’s CEO Sam Altman recently stated that “we can say right now, with a
15 high degree of scientific certainty, that GPT5 [releasing shortly] is going to be a lot smarter than
16 GPT4, and GPT6 [in roughly 2025] is going to be a lot smarter than GPT5 and we are not going to
17 get off this curve.”

18 56. An OpenAI researcher privately said that AGI will be achieved “literally, any year
19 now” and it will probably become a superintelligence just “a year later.” Most importantly, he
20 added that whoever controls it will have “godlike powers over everyone else who doesn’t.” This
21 individual then quit OpenAI because he did not believe it would uphold its principles.¹

¹ Daniel Kokotajlo, Shortform Post (Oct. 8, 2019), available at <https://www.greaterwrong.com/posts/cxuzALcmucCndYv4a/daniel-kokotajlo-s-shortform#comment-LKThjEJ6W8eQEJiXG>.

1 57. Many forecasters bet that the emergence of AGI is less than two years in the future,
2 and that superintelligence will follow just months later, presumably as the system is set to improve
3 itself. To appreciate how fast AI is getting smarter, projections for the timeline for
4 superintelligence have shrunk from 40 years in the future to just three years—over a span of the
5 last three years. Such machine intelligence is expected to outsmart humanity within “single-digit
6 years.”

7 58. The significance of this event far surpasses that of the Industrial Revolution; it is
8 akin to the creation of a new form of life superior to humanity that is increasing its capabilities
9 exponentially by the month, and it has not even begun the process of self-improvement. Humanity
10 is caught by surprise, wholly unprepared as it is about to encounter the intelligence, speed, and
11 veracity of something far more capable and far more powerful than itself, something that could
12 replicate itself on millions of servers, outsmart humans, and rapidly reshape the world in its
13 desired image.

14 59. The most important question in human history stares us in the face: Who will
15 control these powerful systems that will be capable of displacing, disempowering, overpowering,
16 and outsmarting humanity many times over at a speed we could not even comprehend? Will it be
17 humanity itself in control, or a few individuals, or perhaps the very system itself?

18 60. As historian Yuval Harari said, this event in the next few years will mark “the end
19 of human history. History will continue with somebody else in control” —under the control of a
20 system far smarter and more capable than humanity itself. Because things are happening so fast,
21 we are about to run into this event like a brick wall. The only question is: Who will be in control?
Will it be humanity or somebody else?

 61. To answer this question in favor of humanity, Guy Ravine set out in 2012 to create
what became Open AI in early 2015. But what Altman and Brockman did next changed the course

1 of human history and diverted the control of these systems from humanity’s command to their own
2 personal dominion.

3 *“Throughout our time at OpenAI, we witnessed a disturbing pattern of deceit and*
4 *manipulation by Sam Altman and Greg Brockman, driven by their insatiable*
5 *pursuit of achieving artificial general intelligence (AGI).”*

6 – Former OpenAI employees in a letter to the board.²

7 **B. CREATING THE RECIPE FOR AGI FOR HUMANITY**

8 **1. Guy Ravine Invents the Recipe for AGI: Open AI**

9 62. From an early age, Guy Ravine had a talent for coming up with breakthrough ideas,
10 some of which led to technologies used today by billions of people. What defined Ravine’s
11 innovations is that they were always ahead of their time and came after long periods of deep
12 thinking, seeing further into the future and anticipating the next events and possibilities. In 2000,
13 fresh out of high school, Ravine founded his first company, an AI startup providing a talkative
14 retrieval bot over the internet, which afterwards transformed into a web traffic prediction system.
15 He later proceeded to start several companies and projects in fields ranging from internet to
16 wireless systems as well as a prototype for a one-person electric vehicle. In 2011, Ravine created
17 an open collaboration platform called Wikineering. In 2012, he invented the foundations of
18 modern mobile video, including the first TikTok-like app, We.

19 63. For many years, Ravine had thought deeply about the future of artificial
20 intelligence. Ravine understood that if AGI were developed solely by large, for-profit companies,
21 it could lead to a concentration of power where the means of production were concentrated in
the control of one or a few companies, which would allow them to subjugate the entire balance of

² Will Knight, *Elon Musk Trolls His Way Into the OpenAI Drama*, WIRED (Nov. 21, 2023),
available at <https://www.wired.com/story/elon-musk-troll-openai-drama/>.

1 power, a scenario known as a singleton. Instead, Ravine wanted to create a future in which AGI
2 was developed by and for all of humanity. In this future, when AI systems begin to displace
3 humanity from the economy, humanity as a whole would own the machines that replace them.
4 This could lead to an unimaginable abundance and everyone would be equally empowered. This
5 vision guided him.

6 64. In 2009, Ravine saw a lecture by Tomassio Poggio’s lab at MIT and concluded that
7 neural networks would rapidly advance. It occurred to him that the emerging ideas the researchers
8 at the time were thinking about would probably arrive at human level intelligence. He estimated
9 that within 15 years, this approach would lead to the development of AGI. Ravine’s idealism
10 caused him to want to provide the benefits to everyone. He founded an AI company as well as an
11 open collaboration platform, Wikineering, as a not-for-profit initiative for the benefit of humanity
12 that allowed engineers to collaborate to build things openly and share them.

13 65. In 2012, as neural networks were showing promising breakthroughs, Ravine
14 wanted to find a way to ensure that AGI would be developed for humanity as a whole, an
15 “insurance policy for the world,” rather than to serve the few. He spent the next two and a half
16 years thinking deeply about how to build an AGI effort for humanity, iterating on dozens of ideas
17 and exploring a large number of possibilities. He was looking for the recipe to serve AGI to all.

18 66. At this time, Google had cornered the market for AI research talent, and had
19 virtually unlimited amounts of money, with billions of dollars spent on AI talent, as well as a
20 network of research talent, so it seemed that no new effort would come along to challenge
21 Google’s dominance. This was also the conventional wisdom at time. In the words of Greg
Brockman’s recollection, it seemed “impossible.” And indeed, in the years since, no new effort has
been able to challenge Google, except for one: Counterclaim-Defendant OpenAI, Inc. (and its

1 spinoff, Anthropic). This success was based on Ravine’s Open AI, a recipe for an AGI effort
2 intended to put the benefits of AGI in the hands of humanity.

3 67. This was not entirely coincidental. Ravine spent 2.5 years of thought and iteration
4 on dozens of ideas to find a way to find a way to challenge Google’s dominance and put the
5 benefits of AGI in control of humanity. Over time, Ravine realized that to create an effort for
6 humanity that would compete with companies like Google, such an effort could not rely on
7 conventional ingredients, like money. A new effort would also lack the talent network effect that
8 Google used to have. When you could not compete on money or on a network effect, you needed
9 something brilliant and powerful—a simple idea that would do what Google’s billions of dollars
10 could not. What Ravine found is that normally the simplest idea that seems obvious in hindsight is
11 the one that works. So, he kept looking for the simplest most powerful idea. Unlike most startup
12 founders who could have a flash of insight and decide to pursue an idea, Ravine's process was
13 more deliberate, taking years of deep thought, never satisfied until absolutely certain that the idea
14 would work. This process also led to the first TikTok like app, We, years ahead of its time, and the
15 principles of modern mobile video (on which Ravine received Patents). When users used this
16 technology, they thought it was science fiction for its time.

17 68. After years of trying to come up with the simple secret sauce to build AGI and put
18 the benefits of it with humanity, the result was Open AI. What Ravine eventually realized is that
19 all he had to do was build on the ideology of his open collaboration platform and encapsulate it in
20 two magic words. While you could not compete with Google on money, researchers were actually
21 motivated by the ideology of open sharing. The promise of Open AI to be open sourced and serve
humanity was created by Guy Ravine in late 2014. While others were talking about AGI, Ravine
found the secret sauce to build AGI: a special ingredient that would allow his not-for-profit
initiative for humanity to compete with the likes of Google when it was considered “impossible.”

1 That secret sauce was reflected in the principles he conceived: An artificial intelligence
2 organization that would be open-sourced, not for profit and 100% for humanity, as a standalone
3 initiative and most importantly, encapsulated in the magical words of “Open AI.”

4 69. Open AI had the ability to attract the top researchers in the world when it was not
5 possible for a new initiative to compete with Google on the basis of money. But to understand the
6 significance of encapsulating the idea in two magic words, imagine that instead of using OpenAI
7 for the name of his company, Altman would have used the name Altman's AI, and it was
8 for-profit, closed, and for the benefit of Sam Altman (similar to how it is today). Would Altman
9 have gotten Musk to donate to Altman’s AI? Would he have been able to recruit Sutskever,
10 Karpathy and others? The answer is No. The ideology itself was reflected in the name and was
11 instantly communicated as if it were a magical spell. And it worked. It pulled in the research talent
12 and the funding. When you could not attract talent with money or enough funding, you could do
13 so with a powerful ideology encapsulated in two words that could capture the imaginations of
14 researchers and funders alike.

15 70. Gradually, the pieces began to fall into place, and by late 2014, the idea of Open AI
16 had fully emerged under the name “Open AI”: A standalone, non-profit initiative dedicated to
17 developing AGI for the benefit of all humanity. Open AI was an ideological bombshell that, when
18 dropped on the scene, was able to demolish the walls of Big Tech and untether research talent.

19 71. When people heard the words “Open AI,” they understood what the organization
20 was about and felt a powerful desire to be a part of it. It was like “Open Sesame” - a phrase that
21 could open people’s hearts and wallets, inspiring them to join the cause because the cause was
truly for the people. Open AI was the simplest and most powerful recipe: a recipe for building
AGI for humanity. It would ignite the excitement and recruit talent where no other recipe could.
And it was the only recipe for building a new AGI effort that worked since then, apart from the

1 Anthropic spinoff that piggybacked on OpenAI Inc.’s success. That is why it was so alluring that
2 Altman and Brockman so coveted it.

3 72. While Open AI may seem obvious in today’s world, at the time of its inception, it
4 represented a radical departure from the conventional wisdom surrounding the development of
5 AGI. The notion that AGI could be developed openly and transparently in a standalone deep
6 learning non-profit initiative with a fiduciary duty to humanity, required a re-framing of
7 assumptions and assumed that it would be developed in an institution like DeepMind or a
8 government project.

9 73. In 2014, just as Open AI was beginning to take shape, Nick Bostrom published his
10 book “Superintelligence,” which represented the culmination of his research on the topic. In the
11 book, Bostrom meticulously outlined every conceivable scenario for the development of AGI,
12 from government-led initiatives to research projects within big tech companies to secretive
13 startups working on the fringes of the field.

14 74. Yet for all his expertise and insight, Bostrom had failed to consider the possibility
15 of a standalone collaborative open non-profit effort to develop AGI openly with a fiduciary duty to
16 humanity. It was a startling omission, one that spoke to just how deeply entrenched the
17 assumptions surrounding AGI research had become when the deep learning paradigm emerged,
18 and to the novelty of Ravine’s approach of Open AI. When Bostrom and Ravine met by chance in
19 March 2015, just as Bostrom was stepping off the TED stage after delivering a talk on his
20 research, he was surprised to learn that he had not considered the Open AI approach to achieving
21 AGI. The encounter inspired Bostrom to utilize the next year to write a paper on the implications
of openness in AI and invite Ravine’s feedback.

2. Guy Ravine Creates the AGI Effort for Humanity: Open AI

1 75. Throughout 2015, Guy worked tirelessly to bring Open AI to life. He pitched the
2 idea to top AI labs around the world and to top executives, proposing a dual initiative that would
3 combine cutting-edge open research with an AI school to train the next generation of researchers.

4 76. Ravine held discussions with many top executives, including notable figures such
5 as Google CEO Larry Page, Facebook Chief AI Scientist and Father of Deep Learning Yann
6 LeCun, Apple AI leader and Siri co-founder Tom Gruber, Google Research Head and AI
7 Authority Peter Norvig, Google Research director Alon Halevy, Skype co-founder Jaan Tallinn,
8 AI authority Nick Bostrom, Google self-driving car head, Sebastian Thrun, Stripe CEO Patrick
9 Collison, and others. Erik Brynjolfsson spoke about Open AI with Elon Musk and Reid Hoffman
10 but, on information and belief, did not attribute the source.

11 77. Gruber, the co-founder of Siri, former head of Apple's Advanced Technology
12 Group, and Apple's representative on the Partnership on AI, recalled:

13 “On March 19, 2015 I saw Guy Ravine proposing Open AI to Google CEO Larry
14 Page and requesting the backing of Open AI, presenting it as an initiative that
15 Google should support. Guy argued that Open AI would be an open non-profit AI
16 organization to attract researchers who would publish their code openly and share
17 the benefits of AI with humanity. **This was nine months before the public
18 announcement of OpenAI, Inc. by Sam Altman and Greg Brockman.**”
19 (Emphasis added.)

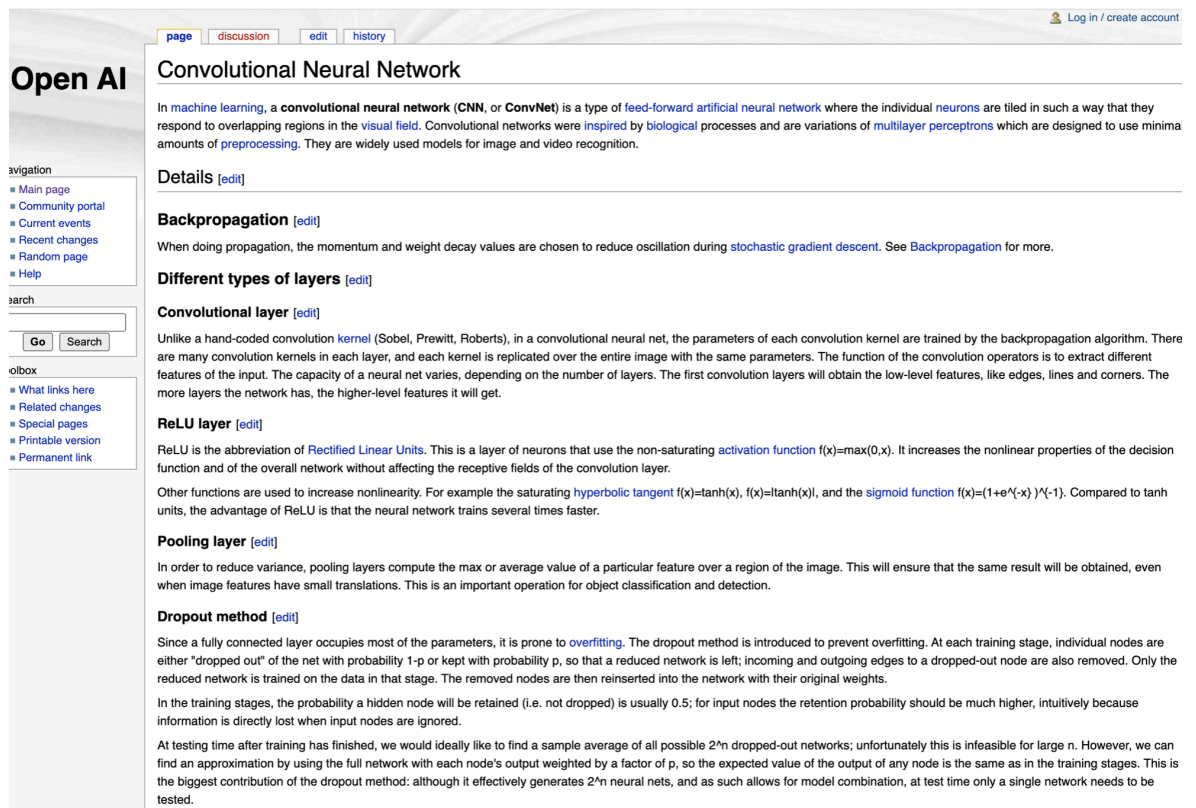
20 78. Gruber also attested to the power of the idea of Open AI to recruit top AI
21 researchers:

 “In April 2015, after a TED conference, Guy asked me if Apple would be interested
in supporting Open AI. We had talked about Open AI's mission and goals, where
he explained Open AI would attract the best talent on the basis of a culture of
openness, common shared resources and a mission for sharing the benefits of the
research with humanity. Guy made the case that it would be in Apple's best interest
to support Open AI and its model of research because it would accelerate research
in deep learning and Apple could build on that to power its AI products. At that
time, it was clear that Deep Learning was the future for AI and we already saw its
power to transform speech recognition. When I was at Apple, the company had
huge amounts of money. It enjoyed a great reputation as a place to work, and as a
company with an ethical stance towards building products. Despite this, Apple
struggled to attract top researchers in AI because its own researchers were not

1 allowed to publish or speak openly. This made Guy’s proposal of Open AI as a way
2 to attract researchers and accelerate progress while sharing the fruits with humanity
a powerful idea which I personally supported.”

3 79. In an email dated March 22, 2015, Ravine outlined Open AI’s principles: “Open AI
4 initiative”, “completely open for the deep learning community and set up for nonprofit” “open
5 source” “good for the world.”

6 80. Around March 25, 2015, Ravine also launched an instance of the Wikineering AI
7 collaboration tool that he had built earlier and branded it as Open AI, making it available to the
community with tools to contribute AI related materials openly.



The screenshot shows a web browser displaying the Open AI website. The page title is "Convolutional Neural Network". The content includes an introductory paragraph, a "Details" section, and several sub-sections: "Backpropagation", "Different types of layers", "Convolutional layer", "ReLU layer", "Pooling layer", and "Dropout method". Each section provides a brief explanation of the concept. On the left side, there is a navigation menu with links like "Main page", "Community portal", "Current events", "Recent changes", "Random page", and "Help". There is also a search bar and a "Go" button.


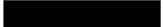
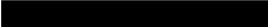
8 9 10 11 12 13 14 15 16 17 18 81. On March 26, 2015, Ravine acquired the open.ai domain.

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<Invoice Open.AI.pdf>

			Receipt March 26 2015
Domain Sale To: Guy Ravine:  			
INV#0326159			
Domain open.ai	New domain admin 	Price USD \$2500.00	
		Tax	\$0.00
Total Paid Via Paypal			\$2500.00

82. The next day, Ravine discussed Open AI with Skype co-founder Jaan Tallinn:

 **Guy Ravine** March 27, 2015 at 10:46 PM
Open.AI / Follow up on TED - cc'ing Nick
To:  Cc:  [Details](#)

Hi Jaan,

It was very nice to meet you at TED. I wanted to follow up on what we started to discuss when we got interrupted during the conversation with Nick Bostrom (and I think you were too tired when we met again at Larry Page's party).

We're working to launch an open industry-wide and academia-wide Deep Learning initiative, called Open.AI.

83. During this time, Ravine was working to put together the necessary ingredients to launch the OpenAI collaboration initiative that would include a research effort with participation from multiple companies.

1 84. On May 8, 2015, Ravine emailed Yann LeCun, then of Facebook and now the
2 Chief AI Scientist of Meta. LeCun is one of the Fathers of Deep Learning.³

3
4 •  **Guy Ravine** May 8, 2015 at 5:10 PM
5 Open.AI Initiative
6 To:  

7 Hi Yann,

8 A group of academics and companies are looking to launch an open academia wide and industry-wide
9 initiative called Open.AI.

10 The goal of the collaboration is to foster faster progress in the field of deep learning by (a) making it much
11 easier for more people to experiment on and improve the general algorithms of deep learning, (b) by providing
12 an open API and free cloud for one button experimentation with new algorithms, (c) by identifying benchmarks
13 for each of the challenging areas, and (d) through a more coherent organized general approach in the field,
14 that also involves cognitive developmental researchers for testing and mirroring hypotheses. Below you can
15 read more about the goals of the initiative.

16 I'll be in NYC next week and would like to meet with you on Wednesday if you could make time to discuss the
17 possibility of Facebook or your research group providing computing resources for the initiative or other
18 potential cooperation (Tuesday might also work if Wednesday doesn't work for you).

19 Guy

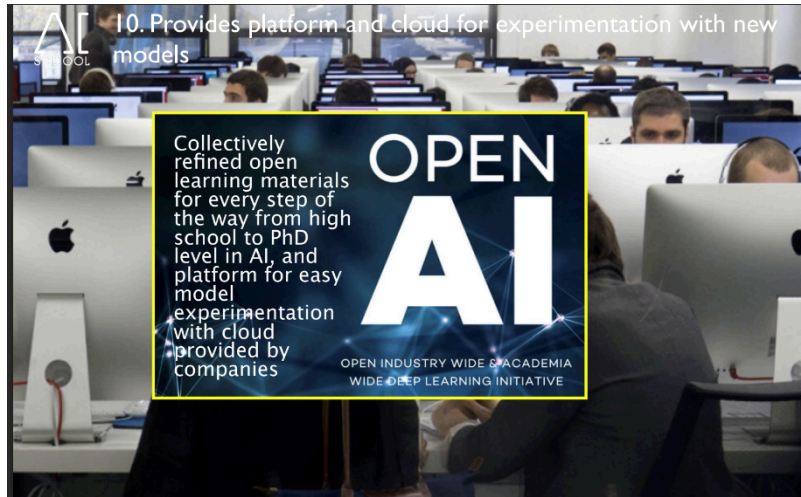
20 85. By September 2015, Ravine began discussions to raise up to \$100 million for this
21 ambitious project. Open AI would be an open, non-profit AI initiative for the benefit of humanity.
22 The initiative would include a center lab and academic and industry wide collaboration with an AI
23 school. By late 2015, even Google Research had expressed interest in backing the Open AI effort
24 that included the establishment of an AI School. As momentum built around Open AI, Ravine put
25 together a business plan and began recruiting leading researchers to the initiative.

26 86. Open AI would also provide a platform for cloud experimentation with open
27 models along with an establishment of an AI school, as reflected in Ravine's September 28, 2015
28 presentation:

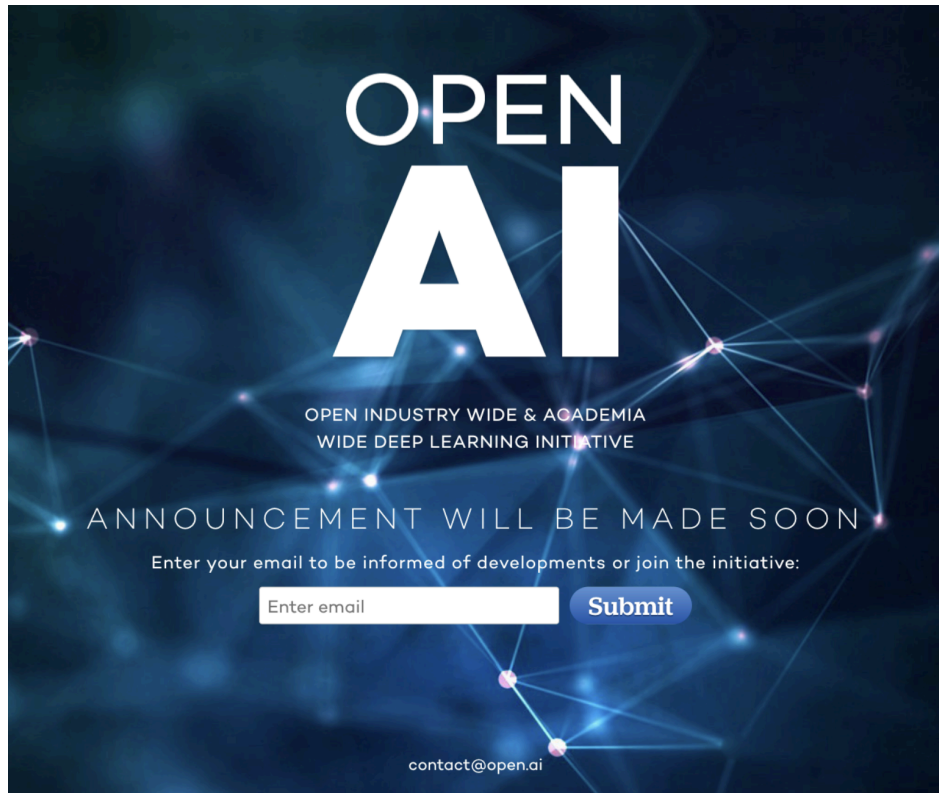
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31 ³ See, https://en.wikipedia.org/wiki/Yann_LeCun

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WAYMAKER



87. By September 2015, Open AI at open.ai was updated to reflect a sign-up page that stated “ANNOUNCEMENT WILL BE MADE SOON” for the open industry-wide and academia wide initiative:



88. As of December 2015, Ravine was making progress, the initiative was taking shape, and the announcement of Open AI was imminent. In addition to its core mission of developing AGI openly and transparently in a manner that involves all of humanity, Open AI

1 intended to facilitate a collaboration for a broader shift in the AI research landscape. Other than
2 conducting open research, the plan was to serve as an initiative for all research labs to collaborate
3 openly creating a kind of “benevolent contagion,” a model of open collaboration and
4 knowledge-sharing that would incorporate more research labs and gradually spread throughout the
5 industry, leading all companies to collaborate with open code for humanity.

6 89. On December 10, 2015, Ravine sent an email to Nick Bostrom to provide an update
7 on Open AI: “I’m working with some key people in Alphabet and we’re thinking about putting a
8 lot of resources behind Open AI as part of a related effort. I wanted to talk to you about your ideas
9 again for the evolution of a future where general AI is available to everyone with a computer and
10 no one group has an algorithmic advantage in general AI.” Ravine’s Open AI was planning to
11 make the major announcement of the Open AI non-profit initiative for humanity, with funding,
12 over the following weeks so Ravine added to Bostrom: *“I have a feeling that what we do in the
13 next weeks with plans for Open AI could have a big impact on the course of evolution of AI.”*

12 C. THE PUSH TO STEAL THE RECIPE FOR AGI FROM HUMANITY

13 1. Altman and Brockman Rush to Steal Open AI from Humanity

14 90. But one day later, on Dec 11, 2015, the timeline diverged. Sam Altman and Greg
15 Brockman beat the original Open AI to its announcement, telling the world at openai.com that
16 OpenAI, Inc. had obtained \$1 billion in funding commitments from Elon Musk and others. Unlike
17 Ravine’s project, which was working to raise a modest \$100M and to attract researchers, Altman
18 and Brockman claimed to have a \$1 billion and 30 leading researchers on their team. This was
19 incredible. As Ravine would learn many years later, it was also a lie.

20 91. Altman and Brockman took Ravine’s recipe and promise to create an AGI effort for
21 humanity_Open AI_and used its stolen promise_to be an “open non-profit for the benefit of
humanity” _to gather Elon Musk’s donations and entice other leading researchers to leave their

1 positions for the mission to build AI openly for the benefit of humanity. They then rushed to make
2 an announcement that they will be the stewards of “OpenAI non-profit for the benefit of
3 humanity,” thereby diverting the stewardship of Open AI “of the promise of Open AI to humanity”
4 to their own control.

5 **92.** On information and belief, Altman and Brockman learned of Ravine’s Open AI,
6 and saw within it its promise, not to give it to humanity, but as a recipe to gain control of an AGI
7 effort that could compete with Google for themselves – as internal emails from January 2, 2016 –
8 a mere 21 days after their announcement, shows, to them this promise to be open for humanity
9 was simply a “recruiting strategy for the short and medium term.” and it was “OK not to share the
10 science.”⁴ They duplicated Ravine’s initiative, name, principles, mission, vision, and even
11 domain, and statements, word for word, but they did not have the intention to follow through, at
12 least not for the benefit of humanity.

13 **93.** They used the promise to be open, not-for-profit and for humanity to dupe talent
14 and funders such as Elon Musk. But they would neither be open nor for humanity. However, based
15 on these misstatements, they were able to attract the best AI talent from institutions like Google
16 when they could otherwise not compete. They were also able to scare away competitors. The truth
17 is, when they announced the \$1 billion commitment for funding, they had virtually no money.
18 Their financials showed they only raised \$13 million through the year 2016. And when they said
19 they would be open and non-profit and for humanity they lied.

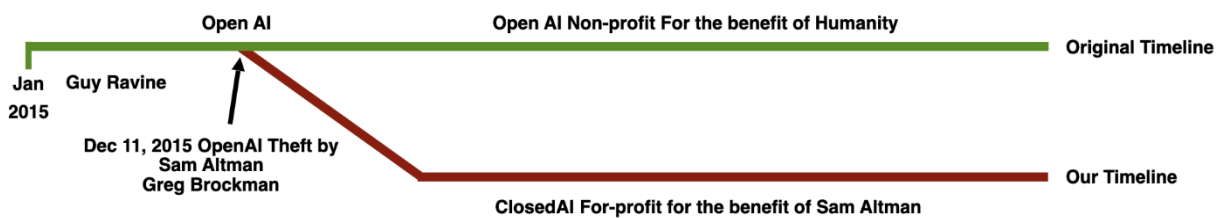
20 **94.** Based on Altman and Brockman’s announcement that OpenAI, Inc. was non-profit,
21 operating for humanity, and had \$1 billion in donor commitments and their assurances to Ravine

⁴ Greg Brockman, *et al.*, *Open AI and Elon Musk*, (March 5, 2024),
<https://openai.com/blog/openai-elon-musk>.

1 that they would fulfill his mission, and without reason to doubt their truthfulness at the time,
 2 Ravine stood down to let them steward the mission.

3 **95.** As we now understand, from the time of the December 2015 announcement
 4 through the end of 2016, OpenAI, Inc. would raise about \$13 million. Yet for all outside
 5 appearances – and certainly to Ravine – it was as though OpenAI, Inc. had completely assimilated
 6 his principles, usurped his name, and established themselves as the unquestioned leaders in the
 7 field. Little did Ravine know that his original Open AI was still the only open, non-profit initiative
 8 for the benefit of humanity. The impostor OpenAI, Inc. would eventually reveal itself to be a
 9 closed, for-profit company, for the benefit of a few who strive to have an algorithmic advantage
 10 over all other groups in general AI rather than ensure that no single group has an algorithmic
 11 advantage.

12 **96.** This is where the timelines diverged, and there begins an alternate timeline where
 13 the original Open AI non-profit initiative for the benefit of humanity was hijacked and
 14 reconstituted under the stewardship of Sam Altman and Greg Brockman. Instead of an
 15 organization dedicated to ensuring that no single group has an algorithmic advantage in general
 16 AI, Altman and Brockman created the very thing that Open AI set out to prevent, and cynically
 17 began using that very promise, to attempt to ensure that one group would have an algorithmic
 18 advantage in general AI over others—theirs.



2. Altman and Brockman Steal the Recipe for AGI from Humanity

1 97. One of the academics Ravine discussed Open AI with was Erik Brynjolfsson, then
2 an MIT professor, now Stanford faculty.⁵ Professor Byrnjolfsson had been working with Ravine
3 on the non-profit Wikineering open collaboration project for humanity and had spoken in
4 academic and business circles and in conferences about the potential for using Wikineering’s
5 collaborative engineering process as a way to accelerate development of technologies, including
6 AI. Ravine began to discuss an open-source, non-profit development effort around AI, initially
7 called Wikineering AI.

8 98. Thereafter, the full vision of Ravine’s Open AI emerged. It would start with an
9 open collaboration platform for everyone based on Wikineering AI, and once funded, it would
10 become an Open AI research center and collaboration center for multiple companies and research
11 labs to collaborate, as well as perform its own research, all of which would be open for the world.

12 99. Byrnjolfsson told Ravine that he had received encouraging feedback from Elon
13 Musk and Reid Hoffman, initially on Wikineering AI ideas, and later on Open AI, the platform
14 and the industry-wide initiative and center. Brynjolfsson held multiple conversations with Musk
15 and Hoffman. For example, on or around January 18, 2015, Brynjolfsson wrote Ravine that “Elon
16 Musk has expressed his support for the idea,” and on or around March 27, 2015, Byrnjolfsson said
17 that “I think we made some progress with Reid and others.” There were other such
18 communications in person, by calls and over emails, between both Ravine and Brynjolfsson and
19 Brynjolfsson and Musk and Hoffman.

2015 Timeline

20 ⁵ Professor Byrnjolfsson currently directs the Digital Economy Lab at the Stanford Institute for
21 Human-Centered AI, with appointments at SIEPR, the Stanford Department of Economics and the
Stanford Graduate School of Business.

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OpenAI founders/donors in **bold**

Jan 18 Erik Brynjolfsson talks to **Elon Musk** Elon Musk has expressed his support for the idea,

Mar 13 Guy Ravine talks to Patrick Collison

Mar 27 Erik Brynjolfsson talks to **Reid Hoffman**

Apr-May Patrick Collison talks to **Greg Brockman** I think we made some progress with Reid and others.

Greg Brockman talks to **Sam Altman** in context of what to do next

May 6 Greg Brockman leaves Stripe
"Haven't decided exactly" what next What comes next
I haven't decided exactly what I'll be building (feel free to ping if you want to chat). But for now, I'm looking forward to exploring some ideas I've been thinking about for as long as I've been programming.

May 19 Greg Brockman decides Summer school

May 21 Guy Ravine emails Patrick Collison Open AI deep learning initiative

May 25 Sam Altman email pitches Elon Musk
Musk is primed, already heard of the idea from Brynjolfsson
Greg Brockman

My first goal was to figure out what deep learning actually was.

Jun Greg Brockman decides to commit AI company

Jul So the question became: would it be possible to create from scratch a lab with the best AI researchers? Our conclusion: not obviously impossible.

Nov 22 Elon Musk funding commitment

OpenAI announced

Dec 11 **Greg Brockman** chairman, **Sam Altman** co-founders
Elon Musk co-founder, donor, **Reid Hoffman** donor

100. Another business leader that Brynjolfsson introduced Ravine to was Patrick Collison, CEO and co-Founder of Stripe, a company that had received its initial funding from Altman's Y Combinator. Collison was Brockman's associate at Stripe and was in frequent communication with Altman.

101. On March 13, 2015, Ravine met with Collison and shared his vision for Open AI as a non-profit, open-source AI initiative and industry-wide collaboration for the benefit of humanity, in a way that it would be for the good of the world and shared openly so that general AI belongs to the world and not to any group of individuals. He would use Wikineering as the foundation to build on first and subsequently continue with an industry-wide and academia-wide collaboration and research initiative center. They met at the playground tables outside of Stripe's offices on a

1 sunny afternoon around mid-day for this discussion. They spoke for about 15 to 20 minutes and
 2 covered the ideas and principles before Collison was called back to the office and Ravine drove
 3 off with Brynjolfsson to meet Andrew Ng, then Baidu's Chief Scientist and Google Brain's
 4 founder. Collison told Ravine to email him to see if he could help.

5 **102.** On May 6, Brockman, Stripe's CTO, left the company and, as shown in his blog,
 6 was considering what to do next:



7 **Greg Brockman** ✓
 8 @gdb



9 Leaving Stripe:



10 blog.gregbrockman.com
 11 Leaving Stripe
 12 I originally got hooked on programming because I loved the
 13 act of creating something from nothing. I soon discovered ...

14 10:09 AM · May 6, 2015

15 30

16 22

17 92

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19 What comes next

20 I haven't decided exactly what I'll be building (feel free to ping if you want to
 21 chat). But for now, I'm looking forward to exploring some ideas I've been
 thinking about for as long as I've been programming.



22 **Greg Brockman** ✓
 23 @gdb



24 Just applied for the second batch of @recursecenter this summer:
 25 blog.gregbrockman.com/recurse-center.



26 blog.gregbrockman.com
 27 Recurse Center
 28 Coding requires collaboration. As Andrew Bosworth said
 29 recently: doing anything meaningful past a certain point ...

30 10:44 AM · May 19, 2015

31 2

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103. On May 19, 2015, Brockman apparently decided to apply for summer school.

104. On May 21, 2015 Ravine followed up with Collison on the conversations they had about the principles of Open AI. Ravine thought Collison would be interested that he is launching the kind of iteration of Open AI that they talked about on Wikineering. Ravine also provided more details about the Open AI “**deep learning** initiative,” and asked if he could “**make the right connections to a few people**” interested in joining.

105. Around that time, Brockman recalls in his blog that he became interested in AI and that “**My first goal was to figure out what deep learning was.**” By June 28, 2015, he began posting on social media images of a GPU he bought to run deep learning experiments.

106. According to Brockman's blog post, he had discussions with both Collison and Altman specifically about what to do next after Ravine’s meeting and correspondences with Collison.⁶

107. By contrast, Ravine had built his AI company in the early 2000’s and had built an open collaboration platform from the early 2010’s. He also held discussions about the foundation and support of Open AI with top executives and leaders of AI at this point.

108. Around that time, Altman became interested in starting something in AI, initially within YCombinator, according to Brockman’s blog. But Altman and Brockman had a problem; it

⁶ “Before I finalized my decision to leave, Patrick [Collison] asked me to go talk to Sam Altman. He said Sam had a good outsider’s perspective, had seen lots of people in similar circumstances, and would probably have a good recommendation on what I should do. Within five minutes of talking to Sam, he told me I was definitely ready to leave. He said to let him know if he could be helpful in figuring out my next thing. I replied that AI was top of my list (and it was definitely my life goal). However, I wasn’t yet sure whether it was the right time, or what the best way for me to contribute would be. He said, “We’ve been thinking about spinning up an AI lab through YC. We should keep in touch.” <https://blog.gregbrockman.com/my-path-to-openai>.

1 was considered in their words, “impossible” to compete with Google. An AI lab alone would not
2 get anywhere, it would need a special sauce to attract talent.

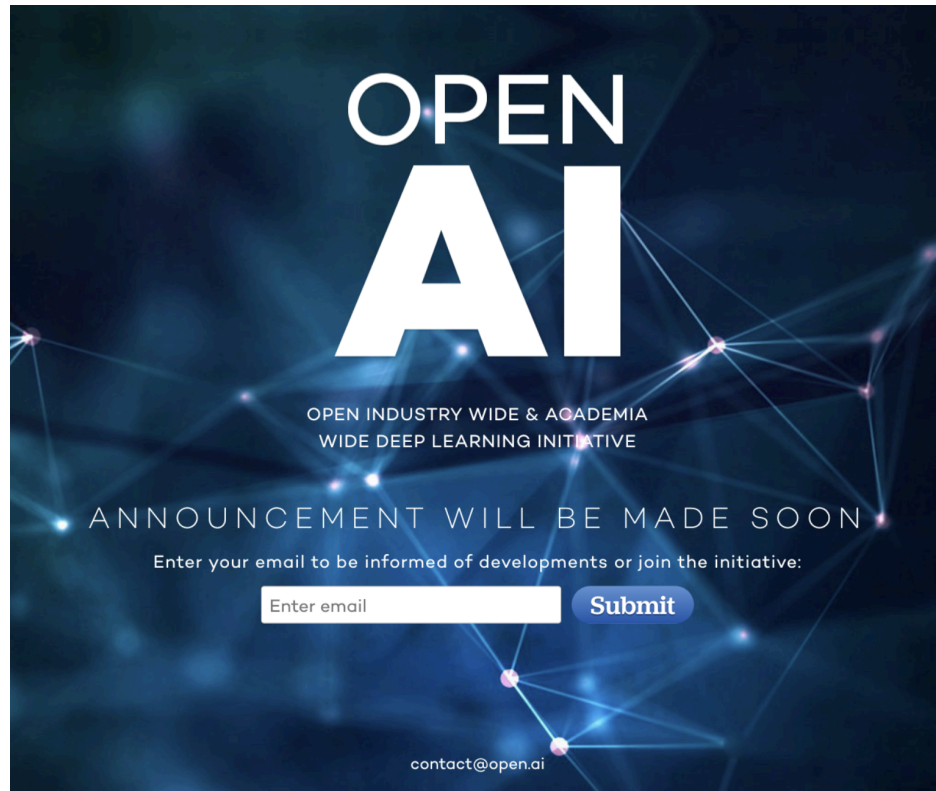
3 **109.** On May 25, 2015, Altman wrote to Elon Musk proposing that he fund an AI effort.
4 By June, Brockman had decided what he wanted to do next: Start an AI Company. That summer,
5 Altman, Brockman, and Musk had a dinner meeting at the Rosewood Sand Hill Hotel, where they
6 discussed AI they concluded after discussions that the idea of competing with Google suddenly
7 “appeared not entirely impossible.”⁷ What was considered previously impossible, with the
8 principles of an Open AI non-profit initiative for the benefit of humanity, could actually work.
9 Brockman identified the recipe.

10 **110.** By October 2015, Ravine was making progress with his own Open AI initiative,
11 holding discussions to raise up to \$100M from various sources, including potentially Google
12 Research, which expressed interest in supporting Open AI as part of a dual initiative that included
13 an AI school. He began collaborating on a plan with a group of researchers, such as Richard
14 Socher, former Chief Scientist of Salesforce, Peter Norvig, Google Research head, and other
15 researchers from institutions such as MIT.

16 **111.** Around November 22, 2015, Musk committed to funding Altman and Brockman’s
17 OpenAI, Inc. Musk wrote: “*We need to go with a much bigger number than \$100M to avoid*
18 *sounding hopeless relative to what Google or Facebook are spending.*” The amount later donated
19 by Musk was actually around \$45M over 5 years.

20 **112.** By November, Ravine was making progress and preparing to make an
21 announcement about Open AI. The site reflected that news would be coming soon.

⁷ Cade Metz, *et al.*, *Ego, Fear and Money: How the A.I. Fuse Was Lit*, N.Y. Times (Dec. 3, 2023), available at <https://www.nytimes.com/2023/12/03/technology/ai-openai-musk-page-altman.html>.



11 113. On information and belief, Brockman was aware that Ravine was about to make an
12 announcement and rushed to acquire the domain openai.com around December 5th and to make an
13 imminent announcement to usurp the original effort. In addition to the site showing that an
14 “announcement will be made soon,” word got around Silicon Valley about Ravine’s OpenAI
15 initiative.⁸

16 114. On December 8th, Brockman proceeded to incorporate OpenAI, Inc. Its charter
17 reflected the promise of open sourcing their code for public benefit and provided that “[t]he
18 corporation is not organized for the private gain of any person.”

20 ⁸ In searching for an available domain, Altman and Brockman saw that Ravine already owned –
21 and was using – www.open.ai. Then, as now, AI companies preferred to use the .ai TLD rather
than .com.

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State of Delaware
Secretary of State
Division of Corporations
Delivered 02:22 PM 12/08/2015
FILED 02:22 PM 12/08/2015
SR 20151247198 - File Number 5902936

**CERTIFICATE OF INCORPORATION OF
A NON-STOCK CORPORATION
OPENAI, INC.**

FIRST: The name of the Corporation is "OpenAI, Inc." (the "Corporation").

SECOND: The address of the Corporation's registered office in the State of Delaware is 2711 Centerville Road, Suite 400, Wilmington, New Castle County, Delaware 19808. The name of its registered agent at such address is Corporation Service Company.

THIRD: This Corporation shall be a nonprofit corporation organized exclusively for charitable and/or educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue law. The specific purpose of this corporation is to provide funding for research, development and distribution of technology related to artificial intelligence. The resulting technology will benefit the public and the corporation will seek to open source technology for the public benefit when applicable. The corporation is not organized for the private gain of any person. In furtherance of its purposes, the corporation shall engage in any lawful act of activity for which nonprofit corporations may be organized under the General Corporation Law of Delaware.

WAY
MAKER

115. Rushing to grab the spotlight before Ravine could announce sufficient funding, Altman and Brockman launched "their" OpenAI, Inc. on December 11, 2015, in an attention-grabbing blog post. In every major respect, Altman's OpenAI, Inc. was identical to Ravine's Open AI, except that Altman claimed to have "\$1 billion" in funding commitments from Musk, Hoffman, and Peter Thiel, as well as the involvement of some 14 top AI researchers. These claims were misleading.

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INTERNET ARCHIVE Wayback Machine <https://openai.com/blog/introducing-openai/> 1,093 captures 11 Dec 2015 - 32 Apr 2024

OpenAI About

Introducing OpenAI

by Greg Brockman, Ilya Sutskever, and the OpenAI team
December 11, 2015

OpenAI is a non-profit artificial intelligence research company. Our goal is to advance digital intelligence in the way that is most likely to benefit humanity as a whole, unconstrained by a need to generate financial return.

Since our research is free from financial obligations, we can better focus on a positive human impact. We believe AI should be an extension of individual human wills and, in the spirit of liberty, as broadly and evenly distributed as is possible safely.

The outcome of this venture is uncertain and the work is difficult, but we believe the goal and the structure are right. We hope this is what matters most to the best in the field.

Sam, Greg, Elon, Reid Hoffman, Jessica Livingston, Peter Thiel, Amazon Web Services (AWS), Infosys, and [YC Research](#) are donating to support OpenAI. In total, these funders have committed \$1 billion, although we expect to only spend a tiny fraction of this in the next few years.

116. In reality, Altman and Brockman’s OpenAI, Inc. finished the following year with only \$13 million in funding, and had fewer researchers committed to their project than announced at the outset. They ultimately raised only a fraction of the claimed amount over the next five years. But the shocking announcement of \$1 billion from Musk and others, as well as 13 top researchers behind Altman and Brockman’s OpenAI, which copied Ravine’s plans in all respects, stole Ravine’s thunder and relegated Ravint to the sidelines.

117. The similarities between the entities were quite profound:

	Original	Copy
Name	Open AI	OpenAI
Location	San Francisco	San Francisco

1	Domain	open.ai	openai.com
2	Acquired	March 26, 2015	December 5, 2015
3	Descriptions from communications	Open AI is a non-profit AI initiative “to the benefit of humanity,” “in a way that would ultimately be good for humanity” “collaboration”	Copied: OpenAI is a non-profit “to benefit humanity” “in a way that is most likely to benefit humanity as a whole” “collaborate”
4			
5			
6	Ethos	Open AI	Copied: “OpenAI” Now: ClosedAI
7	Structure	Non-profit	Copied: “Non-profit” Now: For-profit
8	Mission	For benefit of humanity	Copied: “For benefit of humanity” Now: For benefit of Altman & Brockman
9			
10	Background of originating founder	Artificial Intelligence, Open collaboration	Financial Payments, Venture Capital
11	Defining characteristic	Idealist, wanted to limit power and distribute it to humanity, not profit-driven but about the well-being of everyone (Told Altman “I’m not interested in money, instead, if you want the trademark, donate to academic research in AI for the good of the community and the world, if you care about the good of the world”)	“Especially good at getting powerful” Sued the originator after rejecting a request to financially support AI research for the “good of the world.”
12			
13			
14			
15			
16			
17	Trademark	Open AI (applied 2015, registered 2017)	Misappropriated The Ravine Parties’ Open AI Mark and later sought legal ratification of their misappropriation in this lawsuit.
18			
19	Past-time pursuit of originating founder	Open collaboration platform, as a non-profit for humanity	Contemplating whether to get more powerful by running for governor of California, getting fired or pushed out three times for self-dealing or self-interest
20			
21			

1 2 3	Communication between mutual parties	Jan 2015 - May 2015	Patrick Collisson (Brockman's associate), Brynjolfsson, Musk, Reid Hoffman
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4 118. Shocked by this announcement, Ravine reached out to Altman and Brockman,
5 expressing surprise and suggesting that they could potentially work together. Upon closer
6 examination, Ravine realized that many of the key people involved or connected to Altman and
7 Brockman's OpenAI, Inc., such as Collison, Musk, and Hoffman, were the same individuals that
8 Ravine and Brynjolfsson had discussed Open AI with earlier.

9 119. Make no mistake, Counterclaim-Defendants did not steal Open AI, the recipe for
10 AGI, from Ravine. They stole it from humanity. Because Open AI was to build AGI and give it to
11 humanity. Instead, Altman and Brockman used it to acquire power for themselves.

12 120. Altman and Brockman's duplicitous actions had major consequences. As Siri
13 Co-founder and Apple's former leader on AI, Tom Gruber stated:

14 It is a travesty that by hijacking Guy's Open AI initiative and hurriedly making a
15 major announcement, Altman and Brockman were able to attract top AI researchers
16 and abundant donations, which allowed them to become a major player in AI. The
17 fact that Altman and Brockman's OpenAI later switched from a non-profit, open AI
18 organization for the benefit of humanity to a closed AI, for-profit, under the
19 influence of the founders, is a betrayal of the original mission.

15 3. Guy Ravine Attempts to Regain Control of Humanity's Property

16 121. When Ravine heard of Altman and Brockman's announcement of a non-profit
17 project for the collaborative creation of open-source software for the benefit of humanity called
18 OpenAI, Inc., he was understandably concerned that Altman and Brockman had copied his own
19 non-profit Open AI project for the collaborative creation of open-source software for the benefit of
20 humanity. While Ravine hoped that Altman and Brockman's *arriviste* entity would turn out to be a
21 collaborator, Ravine could not be sure. To protect his intellectual property, Ravine immediately
applied to register the Open AI Mark that he had been using and in which he had been developing

1 goodwill for almost a year. He then reached out to Altman and his co-founder Ilya Sutskever, to
2 see if they would, as their ethos indicated, be interested in collaborating for the betterment of
3 humankind. Because Ravine realized that they were already founding an AI lab, which was also
4 the plan for Ravine's Open AI, he proposed they collaborate and work on the collaboration
5 platform component together:

6 On Fri, Dec 11, 2015, at 9:12 PM, Ravine <*****@gmail.com> wrote:

7 Hi Ilya and Sam,

8 We've been working on an initiative called Open.AI to build a collective engineering
9 platform to enable researchers from around the world to collectively engineer deep
10 learning algorithms together through a fast collective iterative process using a number of
11 new tools and principles. It's in development and is also a non-profit.

12 The initiative has the same goals as yours, which are [to] accelerate the arrival of general
13 AI through an open effort.

14 We think the way research is done today is grossly inefficient, and a platform for
15 collective engineering designed for AI like the one we have been developing could
16 dramatically accelerate progress in the field through a better application of collective
17 intelligence to the problem

18 We also believe that by applying collective intelligence to refine and simplify deep
19 learning teaching materials in an iterative process through this platform, a lot more people
20 would get involved in improving AI.

21 I've spent several years thinking about the problem of how to apply collective intelligence
to large scale engineering projects, and in particular to AI, in an effective way. The
conclusions were a number of key principles towards this end. My team has built a
collective engineering platform called Wikineering (wiki engineering,
www.wikineering.org), and then I decided that it would make most sense to focus on AI,
so we started working on the foundations for Open.AI.

I've been working with Peter Norvig, Richard Socher and others to push a proposal for an
AI School within Alphabet. The AI School would be a physical space that would teach its
students as well as people online how to improve deep learning algorithms. In the
proposal we are working on, the idea is that the AI School would also develop and
maintain the Open.AI platform, and improve its teaching materials in an iterative process
on Open.AI.

Before we go the Alphabet route (and we are not clear yet whether Larry will approve it
being funded), I think it would make sense for us to meet and see if we could team up

1 because we are working towards the same goals. This is bigger than us and I think it could
benefit from working together.

2 By the way, Nick Bostrom has also been advising us on the evolution of open AI.

3 Guy

4 Guy Ravine
5 ***@open.ai
(415) 515-xxxx

6 122. Altman responded in about 24 hours and added Brockman to the thread. It was
7 quickly decided that Ravine and Brockman would meet in the coming days at Brockman's
8 incubator space at Tesla that Musk had provided to help launch their project.

9 4. Brockman and Altman Become the Ill-Gotten Stewards of Humanity's Property

10 123. When Ravine went to Tesla to meet Greg Brockman on December 16, 2015, he was
11 hoping that he would be able to form an alliance. After all, only a few days earlier, Brockman had
12 posted that in his version of OpenAI: "Researchers will be strongly encouraged to publish their
13 work, whether as papers, blog posts, or code, and our patents (if any) will be shared with the
14 world. We'll freely collaborate with others across many institutions and expect to work with
15 companies to research and deploy new technologies."⁹ With Ravine's years of work on the subject
16 and his unlimited passion for the mission, a collaboration seemed almost certain.

17 124. Ravine could not have been more wrong. When Brockman met with Ravine, he
18 was met with indifference, and Brockman refused to collaborate. However, Brockman assured
19 Ravine that OpenAI, Inc. was non-profit, operating for humanity, and had \$1 billion in donor
20 commitments. He made his assurances to Ravine that they would fulfill his mission—that they
21 would be the rightful Open AI non-profit for the benefit of humanity. He also asked Ravine to
change the name of Ravine's Open AI sell them the open.ai domain.

⁹ Greg Brockman, *et al.*, *Introducing OpenAI* (Dec. 11, 2015),
<https://openai.com/blog/introducing-openai>.

1 125. Relying on these assurances Ravine stopped pursuing the OpenAI initiative
2 because as Brockman implied, it was indeed true that they stole the thunder of the original OpenAI
3 now that there is one with Musk’s \$1 billion in the picture. But more importantly, instead, Ravine
4 was excited that something that he has worked for three years was well funded and would commit
5 to the mission that he set out for. \$1 billion from Elon Musk is success beyond his wildest dreams.
6 So he let them because the stewards of the mission, believing that they would be open, non-profit
7 and for humanity. It was pointless to try to launch an Open AI initiative with far less than the \$1
8 billion dollar, since it would appear as a copycat and since they said had \$1 billion and pursuing
9 the same objectives, it make complete sense to let them pursue the mission. It is worth noting that
10 Ravine continued to build open AI projects for the community using the mark while he decided to
11 put his attention to his other opportunities, now that this mission to build AGI for was in safe
12 hands.

13 126. Little did Ravine know that OpenAI, Inc. closed the following year only with \$13
14 million, an amount less than Ravine was in discussions for raising, and that Brockman’s
15 assurances could not be further from the truth. 21 days after this meeting, OpenAI, Inc. was
16 sending internal emails revealing that their commitment to a non-profit initiative for the benefit of
17 humanity was simply a “recruiting strategy for the short and medium term.”

18 **D. THE THEFT OF HUMANITY’S AGI PROPERTY: OPENAI**

19 **1. Whatever It Takes: Stealing the Ingredients from Humanity**

20 127. Having launched their company by stealing Ravine’s “recipe”—the Open AI name
21 and principles—Altman and Brockman continued their insatiable quest to achieve AGI by stealing
the “ingredients,” i.e., the other elements that went into their product. Through further deception
and manipulation, Altman and Brockman built a company that claimed to be a non-profit building
AI *for* humanity, while actually building a multi-billion-dollar company based almost entirely on

1 stealing *from* humanity. The stolen Ravine recipe, which was meant to be a beacon of hope for an
2 open and transparent future, became a propaganda weapon in Altman and Brockman’s hands,
3 wielded to attract unsuspecting talent and funders who believed the insincere promises of an AI
4 revolution that would benefit all of humanity.

5 128. Under the insincere veneer of openness and a commitment to benefiting humanity,
6 Altman and Brockman lured top AI researchers with false promises. In an interview published on
7 December 11, 2015, Altman asserted, “[o]ne thing that really appeals to researchers is freedom
8 and openness and the ability to share what they’re working on, which at any of the industrial labs
9 you don’t have to the same degree. . . . I think our mission and our vision and our structure really
10 appeals to people.”¹⁰ But even as Altman made such grandiose statements, he had no intention of
11 making OpenAI, Inc. an “open” company. For example, a January 2, 2016 email between Altman,
12 Brockman, and other OpenAI, Inc. co-founders said, “[I]t’s totally OK to not share the science
(even though sharing everything is definitely the right strategy in the short and possibly medium
term for recruitment purposes).”¹¹

13 129. This brazen deception was not merely acceptable to Altman and Brockman; it was
14 a calculated strategy to lure in the best minds in the field. Brockman himself admitted that
15 attracting top talent from Google would have been “impossible” without the false promise of an
16 open, non-profit organization dedicated to humanity. Researchers, believing in the fabricated
17 mission, took significant pay cuts to join the cause, unaware that they were being exploited for
18 Altman and Brockman’s personal gain.

19 ¹⁰ Steven Levy, *How Elon Musk and Y Combinator Plan to Stop Computers From Taking Over*,
20 WIRED (Dec. 12, 2015), available at
[https://www.wired.com/2015/12/how-elon-musk-and-y-combinator-plan-to-stop-computers-from-t](https://www.wired.com/2015/12/how-elon-musk-and-y-combinator-plan-to-stop-computers-from-taking-over/)
aking-over/.

21 ¹¹ Greg Brockman *et al.*, *OpenAI and Elon Musk* (Mar. 5, 2024),
<https://openai.com/blog/openai-elon-musk#email>.

1 130. Investors also fell victim to the pair’s deceit. Elon Musk, who provided seed
2 funding of approximately \$50 million and was instrumental in recruiting Sutskever, OpenAI’s
3 Chief Scientist, had an agreement with Altman and Brockman that the OpenAI endeavor “(a)
4 would be a non- profit developing AGI for the benefit of humanity, not for a for-profit company
5 seeking to maximize shareholder profits; and (b) would be open-source, balancing only
6 countervailing safety considerations, and would not keep its technology closed and secret for
7 proprietary commercial reasons.”¹²

8 131. Musk also participated in the formation of the OpenAI Certificate of Incorporation,
9 which stated that the company’s “technology would benefit the public and the corporation will
10 seek to open-source technology for the public benefit when applicable. The corporation is not
11 organized for the private gain of any person.”¹³ Yet when the truth of OpenAI’s closed, for-profit
12 nature came to light, Musk left the company. As he famously opined, “[i]t does seem weird that
13 something can be a non-profit, open source and somehow transform itself into a for-profit, closed
14 source... This would be like, let’s say you found an organization to save the Amazon rainforest,
15 and instead, they become a lumber company, and chop down the forest, and sold it for money.”¹⁴
16 In 2024, Musk ultimately sued OpenAI for, among other things, breach of their founding
17 agreement, breach of fiduciary duty, and unfair competition.

18 132. But this was not the end of Altman and Brockman’s deception. In fact, all their
19 products and their entire business is based on resources they have usurped from others, often
20 through deceptive means. This was Counterclaim-Defendants’ pattern of practice, and it has been
21 very effective. For example, OpenAI, Inc.’s technology is based on Google’s patented

¹² Complaint at 24, Musk v. Altman, WL 899024 (Cal. Super. 2024) (No. CGC-24-612746)

¹³ *Id.*, 6:15-17; Exhibit 1 (OpenAI, Inc. Certificate of Incorporation) at p. 1, para. three.

¹⁴ CNBC interview with Elon Musk, May 16, 2023. Available at
<https://www.youtube.com/watch?v=bWr-DA5Wjfw>

1 “Transformer” algorithm¹⁵ (the “T” in GPT). And it is well-acknowledged that OpenAI, Inc. used
 2 without permission massive portions of humanity’s collective creative works, including millions
 3 of books, newspaper articles, paintings, photos, videos, internet posts, and social media posts.¹⁶
 4 Altman and Brockman even managed to steal the goodwill of the technology world, diverting for
 5 their benefit much of the growing goodwill in the world for AI technologies that would benefit
 6 humanity. As but one example, Ravine sometimes received emails apparently meant for OpenAI,
 7 Inc. expressing unbridled enthusiasm for Counterclaim-Defendants’ professed virtues as embodied



10 133. With context, it is clear that *all* the elements of OpenAI’s technology and its quest
 11 to achieve AGI were stolen through theft or deception, and in each case, the theft was to the
 12 detriment of humanity:

Ingredient for AGI	How Stolen?	Effect on Humanity
The	Misappropriated from Ravine	Diverted Open AI for humanity and

15 See Vaswani, *et al.*, *Attention Is All You Need*, 31st Conference on Neural Information Processing Systems (NIPS 2017), available at https://proceedings.neurips.cc/paper_files/paper/2017/file/3f5ee243547dee91fbd053c1c4a845aa-Paper.pdf.

16 See, e.g., Dan Milmo, *‘Impossible’ to create AI Tools like ChatGPT without copyrighted material, OpenAI says*, *The Guardian* (Jan. 8, 2024), available at https://www.theguardian.com/technology/2024/jan/08/ai-tools-chatgpt-copyrighted-material-openai?CMP=share_btn_url; Yiwen Lu, *Digital Media Outlets Sue OpenAI for Copyright Infringement*, *N.Y. Times*. (Feb. 28, 2024), available at <https://www.nytimes.com/2024/02/28/technology/openai-copyright-suit-media.html>; Jonathan Gillham, *OpenAI and ChatGPT Lawsuit List* (Dec. 28, 2023), <https://originality.ai/blog/openai-chatgpt-lawsuit-list>; Joe Panettieri, *Generative AI Lawsuits Timeline: Legal Cases vs. OpenAI, Microsoft, Anthropic, Nvidia and More* (Apr. 8, 2024), <https://sustainabletechpartner.com/topics/ai/generative-ai-lawsuit-timeline/>.

1	Recipe		turned it into closed AI controlled by a few
2	The Name	Misappropriated from Ravine, who had registered the OpenAI Mark in 2015	Took a brand from its rightful owner who intended to use it as a beacon for collaborative work that would benefit society; turned it into a cynical corporate slogan that represents the opposite: a closed, secretive multi-billion-dollar corporation backed by Microsoft, the world's biggest corporation.
3			
4			
5			
6			
7	The Domain (Open.ai)	Seeking to seize through litigation.	Counterclaim defendants have sued to prevent Ravine from using the domain he acquired before anyone had heard of Altman's "Open" AI
8			
9	The Money	Deceived Musk and other donors who believed they were contributing to a non-profit to benefit humanity.	Diverted funds that would have gone to open research to benefit humanity and received preferential tax treatment through its "non-profit" status.
10			
11	The Talent	Deceived AI Researchers from academic institutions and research labs into taking positions at below-market rates to work for a putatively non-profit organization for humanity	Diverted researchers from genuinely open projects to benefit humanity
12			
13	The Algorithm	Infringed Google's patent and took the work of academics ¹⁷	Partially, academics created diffusion and other algorithms for humanity with the expectation of receiving back, but "Open" AI became closed after taking all the open research, which they continue to take to this day without sharing back
14			
15			
16	The Data	Solen from tens of millions of creators of copyrighted art, literature, photography, computer code, social media, and many other works	Directly taken from a significant portion of humanity without compensation
17			
18	The Goodwill	Diverted the enthusiasm of the AI and Tech communities to their putatively open	Diverted energy that could have been going to truly open AI projects during
19			

¹⁷ See, e.g., Alex Zhavoronkov, *Can Google Challenge OpenAI With Self-Attention Patents?*, Forbes (Jan. 23, 2023), available at <https://www.forbes.com/sites/alexzhavoronkov/2023/01/23/can-google-challenge-openai-with-self-attention-patents/?sh=71ae49175639>.

1 and altruistic company

a critical time of AI development

2
3 134. Brockman’s words reveal the depths of his and Altman’s deception and the extent
4 to which he and the other Counterclaim-Defendants were willing to go to achieve their goals.
5 Brockman openly admitted that OpenAI, Inc.’s modus operandi was the misappropriation of
6 ingredients, stating, “The real aha moment was when Ilya saw the transformer come out,”
7 Brockman says. “He was like, ‘That’s what we’ve been waiting for.’ That’s been our strategy—to
8 push hard on problems and then have faith that we or someone in the field will manage to figure
9 out the missing ingredient.”



16 135. As a result of this deception, OpenAI, Inc. presently faces a staggering 14 lawsuits,
17 primarily for the misappropriation of content, data, and money. Yet somehow, in the midst of this
18 legal maelstrom, OpenAI, Inc.’s single offensive lawsuit has been to sue The Ravine Parties,
19 including Ravine, the originator of the “OpenAI” name and the recipe for the success of a truly
20 open AI. Because OpenAI, Inc. could not get the OpenAI name from Ravine through bullying or
21 by defeating him in the USPTO, they have decided to pursue litigation to strip Ravine of the mark
that he adapted before OpenAI, Inc. was even formed, and which Ravine has been using for over

1 nine years without any legal objections from OpenAI, Inc. By cynically seeking to punish Ravine
2 for using the very trademark they stole from him, Altman and Brockman continue to demonstrate
3 that their modus operandi is to use any means necessary to take what does not belong to them
4 from creators and to divert the benefits of AI from humanity to themselves.

5 136. Perhaps nothing proves this more than the 2022 email exchange between Altman
6 and Ravine. Altman asked Ravine if he could buy the open.ai domain and the “related IP rights.”
7 Ravine offered to give Altman the domain and the Open AI Mark and name—for nothing more
8 than a substantial donation to truly open academic AI research (and not to Ravine himself).¹⁸
9 Altman refused, choosing instead to “donate” millions to lawyers and seek to claim the IP in court.
10 The entire record of OpenAI is one of taking from others, at the expense of humanity.

11 137. Ultimately, Counterclaim-Defendants’ story is one of relentless deception, and
12 intimidation in the pursuit of AGI. Altman and Brockman’s actions demonstrate an unwavering
13 commitment to acquiring the ingredients necessary for AGI development, no matter the cost to
14 integrity, trust, or the collective knowledge of humanity. Their hypocrisy shocks the conscience
15 and shows that they will go to any lengths to control AGI, the most transformative technology of
16 our time, and use this control for personal gain, rather than for the benefit of humanity, as Ravine
17 intended.

18 **2. Whatever It Takes: The Systematic Theft of Humanity’s Property**

19 138. After using theft, deception, fraud, and a facade of benefiting humanity to obtain
20 the components necessary to build AGI, Altman systematically dismantled the mechanisms
21 ensuring OpenAI would remain under the command of humanity. Through a series of steps taken
he has consolidated personal control over the most valuable technology in human history,
effectively diverting the benefits of AGI from humanity to himself. What was incredible is that at

¹⁸ See *supra* ¶ 100 (email from Ravine to Altman).

1 virtually every step of the way Altman justified each transformation as a move to save and benefit
2 humanity, all while it directly consolidated the control of AGI under his own command.

3 139. “Open”AI essentially became ClosedAI (while still keeping the name): “Open”AI
4 transformed from open-source to closed-source, thereby betraying their very foundational
5 principles of sharing with humanity and eliminating the automatic mechanism that ensured the
6 benefits belong to humanity. Openness automatically shared the benefits of AGI equally with
7 humanity by default. It was an immutable mechanism that could not be subject to corruption or
8 manipulation.

9 140. Altman replaced the automatic, technical mechanism of open source, which
10 guaranteed openness, with a frail biological switch—a human board of directors—that could be
11 appointed by cronies, easily manipulated, intimidated, or deceived to do Altman’s bidding.
12 (Indeed, Altman would eventually intimidate and jettison board members after the board voted to
13 fire him.) Altman justified this move (of changing from open to closed) under the guise of
14 “safety,” claiming it was necessary to protect humanity by not sharing technological developments
15 with humanity. Except that just a year later, Counterclaim-Defendants started selling AI models
16 100 times larger and more powerful and are now selling systems even more powerful.

17 141. In early 2019, just days after being fired from Y Combinator for self-dealing and
18 enriching himself at the organization’s expense, Altman immediately set out to transform OpenAI,
19 Inc. from a non-profit to a for-profit entity under his command. This shift allowed him to
20 consolidate further control over the organization and its direction. This move allowed him to exert
21 control through additional mechanisms.¹⁹

19 ¹⁹ Dan Primack, *Sam Altman steps down as president of Y Combinator*, Axios (March 8, 2019)
20 <https://www.axios.com/2019/03/08/sam-altman-y-combinator>
21 Elizabeth Dwoskin and Nitasha Tiku, *Altman’s polarizing past hints at OpenAI board’s reason for firing him*, Wash. Post (Nov. 22, 2023), available at
<https://www.washingtonpost.com/technology/2023/11/22/sam-altman-fired-y-combinator-paul-graham/>

- 1 • Stacking the board with loyalists: Altman proceeded to ensure that the board, now the
2 sole decision-maker in sharing AGI’s benefits with humanity, was composed of
3 loyalists. This allowed him to maintain control over the organization and its direction,
4 even as it claimed to be working for the benefit of all.²⁰
- 5 • Capping investors’ returns: Altman further consolidated control by capping investors’
6 returns, ensuring the unlimited upside potential of AGI would return to his dominion
7 providing him totalitarian control unlike any other for-profit in history. He justified this
8 move by claiming that no group should be able to own the “light cone” of all future
9 value while, in reality, ensuring that he and Brockman would have this very power.²¹
- 10 • Capping employees returns: Employees equity upside was also capped to ensure the
11 proceeds of AGI returned to the organization under his consolidated control.
- 12 • Preventing Microsoft from accessing AGI: OpenAI, Inc. prevented Microsoft, a major
13 investor, from accessing the AGI developed by the organization. This move was
14 justified as ensuring that AGI “belongs to humanity,” but in reality, it served to
15 concentrate control over the technology in Altman’s hands, ensuring that if he acquired
16 command of AGI first, he would have no competition and could race ahead to
17 self-improvement, leaving the rest of humanity in the dust. He also kept the ability to
18 determine when AGI will be achieved, ensuring that he could cut Microsoft’s
19 relationship once he constructed the very systems that will replace Microsoft as

20 ²⁰ Lauren Good and Will Knight, OpenAI’s proposed all-male board would appear to remove three
21 directors who voted to eject Altman (Nov. 22, 2023) <https://bit.ly/3xHXqs1>

21 ²¹ Connie Loizos, *Sam Altman’s leap of faith*, TechCrunch (May 18, 2019)
<https://techcrunch.com/2019/05/18/sam-altmans-leap-of-faith/>

 OpenAI has become a “capped profit” company, with the promise of giving investors up to 100
times their return before giving away excess profit to the rest of the world.

1 OpenAI, Inc.'s partner that he plans to own by himself in his own personal chip
2 venture.

- 3 • Enabling the board to cancel investors' equity: OpenAI, Inc.'s investment agreements
4 include a clause that allows the board to cancel any investor's equity. This provision,
5 justified as a means to ensure that AGI remains under the control of humanity, in
6 reality, gives Altman and his loyalist board unchecked power over the organization's
7 ownership structure.²²
- 8 • OpenAI Startup Fund is Sam Altman: The OpenAI Startup Fund itself was literally
9 Sam Altman as an individual, allowing him to maintain control of the proceeds of the
10 organization from external investments that appreciated in value as the organization
11 grew. This was the case until it was scrutinized in the wake of his firing.

12 142. In truth, OpenAI, Inc. is not Altman's property. It is humanity's property, and it
13 must be used to benefit humanity at large. This is what was promised by Altman and others. They
14 should be held to their word.

15 3. **Whatever It Takes: The Successful Diversion of Humanity's Property 16 to Altman's Personal Control**

17 143. On Nov 17, 2023, the board of OpenAI, Inc. recognized the scale of Altman's
18 deception and fired Altman; Brockman then resigned. After the board, recognizing that Altman
19 was not acting in the best interests of humanity, fired him, Altman intimidated them using
20 OpenAI, Inc.'s lawyer and ties with Microsoft to reinstate himself. This demonstrated Altman's
21 installation of the frail biological switch that was successful: His intimidation and manipulation
worked. The successful dismantling of mechanisms meant to keep AGI in humanity's hands
showed the extent of Altman's consolidation of power.

²² OpenAI, *Our structure* (June 28, 2023), <https://openai.com/our-structure>.

1 144. After receiving a letter from OpenAI, Inc.’s researchers warning the board of an
2 AGI breakthrough that could threaten humanity, the board fired Altman for “not being candid.”
3 This firing came on the heels of his firing for self-interested behavior from Y Combinator.²³

4 145. After getting fired by a board guided by fiduciary duties for lying and for being
5 unfit to carry on OpenAI’s stated non-profit mission to ensure these systems would benefit
6 humanity, Altman reinstated himself at the helm of OpenAI, Inc. through a combination of legal
7 intimidation, heart emojis, investor manipulation, and financial blackmail; effectively fired the
8 OpenAI board; installed a new puppet board of conflicted individuals or individuals that could be
9 manipulated for a lack in understanding of the true significance of these events; and crowned
10 himself co-chair of his own AI Ethics Council.²⁴

11 146. “Within hours, messages dismissed the board as illegitimate and decried Altman’s
12 firing as a coup by OpenAI, Inc. co-founder and chief scientist Sutskever, according to the
13 people...On social media, in news reports, and on the anonymous app Blind, which requires
14 members to sign up with a work email address to post, people identified as current OpenAI
15 employees also described facing intense peer pressure to sign the mass-resignation letter.”²⁵ Indeed
16 a mass resignation letter was generated, and due to the pressures exerted, several hundred OpenAI
17 employees signed it.

18 147. This happened only months after Altman said it was important that the board could
19 fire him with the power of AGI that OpenAI is building, and that it belongs to the world and not to

20 ²³ Meghan Bobrowsky, Deepa Seetharaman, *The OpenAI Board Member Who Clashed With Sam
21 Altman Shares Her Side*, Wall St. J. (Dec. 7, 2023)

<https://www.wsj.com/tech/ai/helen-toner-openai-board-2e4031ef>

²⁴ Mirtha Donastorg, *OpenAI launches ethics initiative. Atlanta leaders tapped to help* (Dec 11,
2023)

[https://www.ajc.com/news/business/atlanta-leaders-tapped-for-new-ethics-initiative-launched-by-o
penai/7MGJFO5L2ZGYPEY3WDDBGK24FE/](https://www.ajc.com/news/business/atlanta-leaders-tapped-for-new-ethics-initiative-launched-by-openai/7MGJFO5L2ZGYPEY3WDDBGK24FE/)

²⁵ Nitasha Tiku, *OpenAI leaders warned of abusive behavior before Sam Altman’s ouster*, Wash.
Post (Dec. 8, 2023)

<https://www.washingtonpost.com/technology/2023/12/08/open-ai-sam-altman-complaints/>

1 any individual. “No one person should be trusted here. I don’t have super voting shares. The board
2 can fire me. I think that’s important. [We] think this technology, the benefits, the access to it, the
3 governance of it, belongs to humanity as a whole. If this really works, it’s quite a powerful
4 technology and you should not trust one company and certainly not one person.”²⁶

5 148. But when the board acted on the fiduciary duty to humanity and fired Altman on
6 the eve of a breakthrough towards an AGI system that could pose a danger to humanity, they were
7 attacked on social media by Altman and his allies as “bad board members.” It is clear that Altman
8 does not operate out of altruistic motives for humanity. “I think we just move on to good
9 governance and good board members and we’ll do this independent review, which I’m super
10 excited about... I just want everybody to move on here and be happy. And we’ll get back to work
11 on the mission.”²⁷ At the moment the board fired Altman, he threatened to gut OpenAI’s team and
12 reconstitute it under Microsoft—Microsoft’s stock saw an uptick of 4% in pre-market trading after
13 news that Altman and Brockman would join them—demonstrating that it is not humanity to which
14 he has allegiance, but to his control of AGI systems.²⁸

13 4. Whatever It Takes: Eliminating Dissent

14 149. After reinstatement through legal intimidation of a 30-year-old scientist responsible
15 for upholding humanity’s interest, Altman also fired two AI safety researchers who leaked or were
16 close to those who leaked to the board the warning of an internal breakthrough that could serve as
17

18 ²⁶ Mark Sullivan, *Sam Altman: You should not trust Sam Altman* (June 6, 2023)
<https://www.fastcompany.com/90913845/sam-altman-you-should-not-trust-sam-altman>.

19 ²⁷ Charles Duhigg, *The inside story of Microsoft’s partnership with OpenAI*, *New Yorker* (Dec. 1,
20 2023), available at
<https://www.newyorker.com/magazine/2023/12/11/the-inside-story-of-microsofts-partnership-with-openai>.

21 ²⁸ Liam Wright (Nov. 20, 2023)
<https://cryptoslate.com/agi-is-excluded-from-ip-licenses-with-microsoft-should-it-be-attained-at-openai/>.

1 a threat to humanity before the board fired him.²⁹ Others quit, “due to losing confidence that it
2 would behave responsibly around the time of AGI.”³⁰ Sutskever, the Chief Scientist and
3 co-founder who fired Altman, responsible for ensuring the safety of the system, is rumored to have
4 gotten metaphorically crucified, with a meme circulating depicting his crucifixion and except a
5 cryptic message about “beatings” that “will continue” was not heard of since. This sent a chilling
6 message: Dissent to Altman will not be tolerated. OpenAI, Inc. is Altman’s to control.

6 **5. OpenAI Willfully Infringes Ravine’s Trademark Even As It Fails to
7 Obtain Protection at USPTO**

7 150. The name OpenAI was a fundamental part of Counterclaimant Defendants’
8 deceptive plan. They stole this from The Ravine Parties, who have continuously used the Open AI
9 Mark in interstate commerce since at least March 2015.

10 151. In 2012, Ravine had developed a website called Wikineering, which acted as the
11 technical foundation for the various collaboration tools to be used in connection with Ravine’s
12 Open AI project. Wikineering offered user-created online articles about research topics and
13 findings related to engineering, including topics relating to artificial intelligence. Similar to the
14 online encyclopedia Wikipedia, users could use Wikineering to collaborate on the development of
15 these articles, making contributions based on their own research and expertise. In or around March
16 2015, Ravine re-branded the portion of the Wikineering project focused on artificial intelligence as
17 “Open AI.”

18 ²⁹ Erin Woo *et al.*, *OpenAI Researchers, Including Ally of Stuskever, Fired for Alleged Leaking*,
19 The Information (Apr. 11, 2024),
20 [https://www.theinformation.com/articles/openai-researchers-including-ally-of-sutskever-fired-for-](https://www.theinformation.com/articles/openai-researchers-including-ally-of-sutskever-fired-for-alleged-leaking)
21 [alleged-leaking](https://www.theinformation.com/articles/openai-researchers-including-ally-of-sutskever-fired-for-alleged-leaking).

³⁰Daniel Kokotajlo. Lesswrong, <https://www.lesswrong.com/users/daniel-kokotajlo>.

1 152. On or around March 26, 2015, Ravine purchased the domain, “open.ai” with the
2 intent to launch future projects related to artificial intelligence on this website, all under the Open
3 AI Mark.

4 153. On or around April 9, 2015, a sign-up page to join the Open AI project went live on
5 the open.ai website. The website explained that Open AI was an “Open Industry Wide &
6 Academia Wide Deep Learning Initiative” and included a fillable box for visitors to enter their
7 email address “to be informed of developments or join the initiative.”

8 154. Throughout 2015, Ravine met with leading executives in the artificial intelligence
9 field to advocate for funding and other support for the Open AI project.

10 155. On or around October 15, 2015, The Ravine Parties created a digital brochure
11 explaining The Ravine Parties’ Open AI concept, which was available for anyone to share and
12 access online. The brochure explained that Open AI “[p]rovides a platform and cloud for
13 experimentation with new models” and “materials for every step from high school to PhD in AI,”
14 “collectively refined by the community.”

15 156. As of December 5, 2015, The Ravine Parties’ Open AI project had drawn nearly
16 1,000 users, representing a significant portion of the community of artificial intelligence
17 researchers at the time.

18 157. On December 11, 2015, a blog post entitled “Introducing OpenAI” appeared on
19 Counterclaim-Defendant OpenAI, Inc.’s website, introducing Counterclaim-Defendants’ OpenAI
20 concept. Counterclaim-Defendants’ project name was identical to The Ravine Parties’, except for
21 the lack of a space between “Open” and “AI”—the “OpenAI” mark (the “Infringing Mark”).

 158. Concerned that Counterclaim-Defendants’ use of the Infringing Mark would affect
his rights in the Open AI Mark, Ravine filed an application to register the Open AI Mark with the

1 USPTO that same day, on December 11, 2015. By this time, Ravine had been using the mark
2 continuously in interstate commerce for nearly nine months.

3 159. At the same time, Ravine emailed Counterclaim-Defendants Altman and
4 Brockman, explaining that he was pursuing a similar non-profit approach to artificial intelligence
5 research and inquiring about the possibility of working together. Brockman agreed to meet with
6 Ravine the following day, on December 16, 2015.

7 160. At the December 16, 2015, meeting, Ravine described his Open AI project and the
8 various initiatives he had undertaken under the Open AI Mark. Ravine suggested that the parties
9 collaborate on the development of artificial intelligence. Brockman rejected the proposal and,
10 instead, offered to purchase the open.ai domain on the condition that Ravine rebrand his Open AI
11 project. Ravine declined, and the meeting concluded.

12 161. As a result of this meaning, Counterclaim-Defendants were aware of Ravine's
13 interests in the Open AI Mark as of December 16, 2015, and nevertheless continued to offer its
14 goods and services under the Infringing Mark.

15 162. As set forth above, the Ravine Parties continued to pursue its Open AI project
16 under the Open AI Mark continuously from 2016 onwards.

17 163. On August 1, 2017, the Open AI Mark was published in the USPTO's
18 Supplemental Register, Reg. No. 5,258,002. A true and correct copy of the Open AI Mark
19 Registration Certificate is attached hereto as Exhibit 2.

20 164. Counterclaim-Defendants did not oppose the application or registration of the Open
21 AI Mark.

165. On February 19, 2022, after the filing of OpenAI's first application with the
USPTO, Altman emailed Ravine to "follow up on past conversations" among the parties regarding
Ravine's Open AI project. Altman stated that his company was "working on building out our own

1 domain portfolio” and asked whether Ravine would be “open to us acquiring the open.ai domain
2 and related IP rights from you,” confirming the Counterclaim-Defendants’ awareness of the
3 Ravine Parties’ rights in the Open AI Mark.

4 166. On June 30, 2023, Ravine assigned the entirety of his interests in the Open AI Mark
5 to Open Artificial Intelligence Inc. A true and correct copy of the Trademark Registration
6 Assignment is attached as Exhibit 3.

6 **6. OpenAI, Inc.’s Applications and Failure to Register the Infringing 7 Mark**

8 167. Counterclaim-Defendant OpenAI, Inc. did not file an application with the USPTO
9 to register the infringing “OpenAI” word mark until 2022. Ser. No. 97/238,896 (filed Jan. 26,
10 2022); Ser. No. 97/238,902 (filed Jan. 26, 2022); and Ser. No. 98/010,861 (filed May 24, 2023).

11 168. The USPTO issued Non-Final Office Actions rejecting OpenAI’s claim of acquired
12 distinctiveness on January 3, 2023. Since then, on February 23 and April 12, 2023, the USPTO
13 again determined that OpenAI, Inc.’s Infringing Mark and logo were unregistrable for being
14 “highly descriptive” despite OpenAI, Inc. having submitted hundreds of pages of evidence in
15 support of its claim.

16 169. As described in detail in the preceding paragraphs, it became clear only in 2023
17 that, despite repeated assurances, Counterclaim-Defendant OpenAI, Inc. did not intend to honor its
18 commitment to develop the technology in an open manner beneficial to all of humanity and,
19 instead, and contrary to countless public statements and statement made in their corporate
20 formation documents, Counterclaim-Defendants would focus on profits.

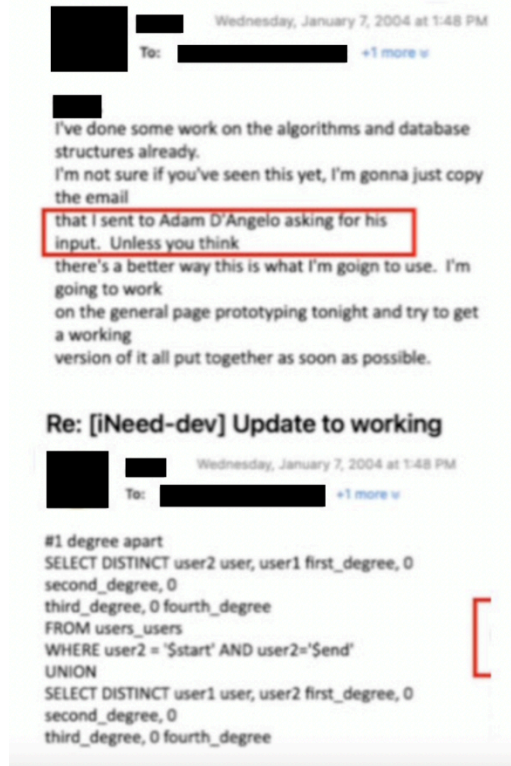
21 170. Counterclaim-Defendant OpenAI, Inc.’s application to register the “OpenAI” is
thus impermissibly misdescriptive, as the name suggests an artificial intelligence research effort
that is open and beneficial to all, when it is, in fact, a secretive endeavor focused on profit.

7. The Mysterious Deletion of Evidence Contained on Servers

1 171. In August 2023, in a brazen attempt to rewrite history, OpenAI, Inc. sued Ravine,
2 seeking to paint Ravine as a fraud and a troll, in a bid to force a transfer of Ravine’s original Open
3 AI Mark, which OpenAI, Inc. had, in fact, misappropriated. During discovery, Ravine realized that
4 the loss of server data years earlier under mysterious circumstances would be used against him.

5 172. A connection between OpenAI’s leadership and Ravine can be traced back to 2003
6 when Adam D’Angelo, now an OpenAI board member, joined Ravine’s social network startup at
7 MIT. Ravine’s startup comprised around seven MIT undergraduates and several Boston area
8 engineers. D’Angelo, fresh out of his first year at Caltech, was the sole member from Caltech to
9 join Ravine’s MIT-based social network team.

10 173. Upon joining the startup, D’Angelo signed an NDA and was granted root access to
11 Ravine’s “iNeed” server. In 2003, Ravine developed an algorithm that enabled rapid computation
12 of social graphs, an innovation that eliminated the barrier to quickly scaling social networks.
13 D’Angelo’s responsibility was to deploy and verify the code. In January 2004, Ravine’s team sent
14 the social network scaling code to D’Angelo, but D’Angelo vanished without a trace, taking with
15 him root access credentials to the iNeed server that provided him admin control, as well as access
16 to other materials on the server.
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174. Meanwhile, in February 2004, across the river at Harvard, Mark Zuckerberg was launching Facebook. D'Angelo resurfaced at Facebook in the summer of 2004, where he became CTO responsible for scaling.

175. By early 2015, Ravine launched Open AI and open.ai on the iNeed servers to which D'Angelo had root access. In 2018, Ravine's iNeed servers hosted the original Open AI and Open AI collaboration tools from as early as 2014, the open.ai websites from 2015-2018, as well as Ravine's previous projects, including the 2003 social network. The original iNeed server was given access to newer iNeed servers and the access keys were replicated across servers.

176. On information and belief, Ravine's Open AI and open.ai were a constant source of frustration for Brockman and Altman. Apart from serving as evidence of their murky origins, later in 2017, OpenAI had to abandon their attempt to register the OpenAI trademark due to Ravine's original Open AI. In fact, at this time, Counterclaim-Defendants were infringing on Ravine's trademark. Ravine also used the domain open.ai, similar to their OpenAI, Inc.'s openai.com, but

1 more in line with AI companies' usage. Brockman had previously tried to acquire the open.ai
2 domain from Ravine and insisted that he change his Open AI's name; Ravine, of course, had
3 refused.

4 ← Post



5 Adam D'Angelo ✓
@adamdangelo

...

6 I'm excited to be joining the OpenAI board. I continue to think that work
7 toward general AI (with safety in mind) is both important and
underappreciated, and I'm happy to contribute to it.

8 12:15 PM · Apr 24, 2018

9 100 Reposts 11 Quotes 1,273 Likes 3 Bookmarks

10 177. On April 24, 2018, D'Angelo joined the OpenAI board.

11
12 Can't access IPs



13 Guy Ravine [redacted]
to support

Thu, May 3, 2018, 1:23 PM ☆

14 Hello,

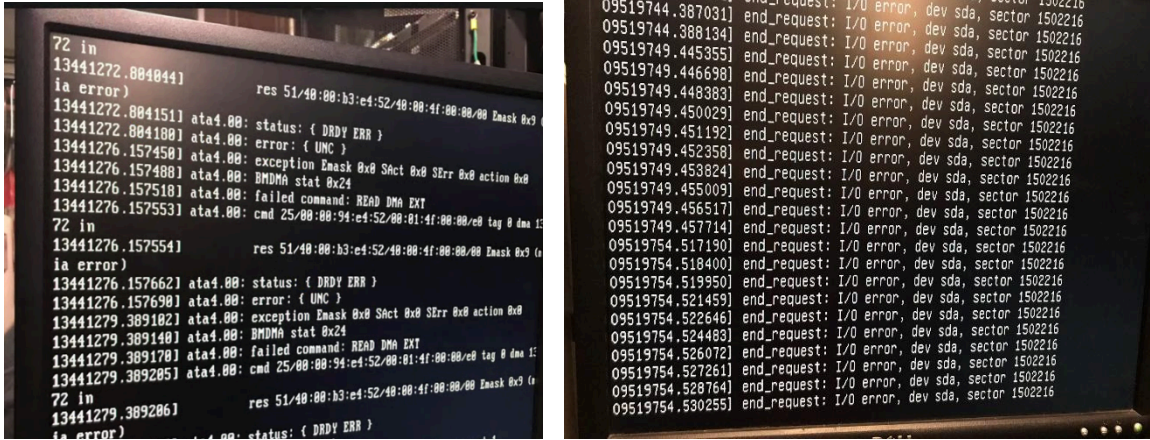
We can't access the IP's for our servers. Can you bring them back online?

69.46.46.140	Assigned	Usable	ineed-1	224 We-Communicate-Inc
69.46.46.141	Assigned	Usable	ineed-2	224 We-Communicate-Inc
69.46.46.142	Assigned	Usable	ineed-3	224 We-Communicate-

69.46.46.128	Assigned	Network	We Communicate Inc		
69.46.46.129	Assigned	Gateway	We Communicate Inc	6509-2	vlan224.6509-2.c1.mmrl.seal.net.bytegrid.com
69.46.46.130	Assigned	Usable	We Communicate Inc	ineed.com	(development server)

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20 178. Just nine days later, on May 3rd, Ravine's iNeed servers stopped responding.

1 179. The co-location facility was contacted, and it was discovered that Ravine’s two
2 Open AI related iNeed servers had become irreparably inoperable due to disk and other fatal
3 hardware errors. They contained some of the original Open AI collaboration tools.



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10 180. The third Open AI related server, iNeed-3, which was used to host Open AI at
11 open.ai, also failed. Its password had changed, and its logs were flooded. To restart the server
12 required erasing its flooded logs, thereby obliterating three years of evidence of Open AI and
13 open.ai, as well as any malicious activity that may have caused the incident.

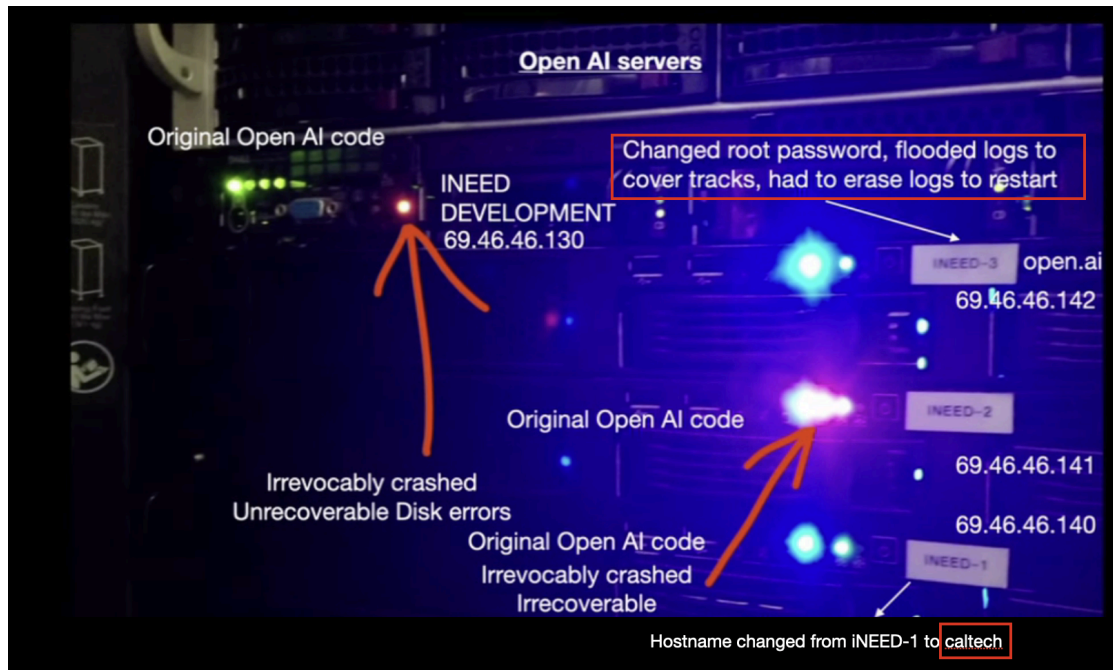
14 181. Most bizarrely, the colocation facility indicated twice that the name of the fourth
15 server, instead of “iNeed-1,” had been changed to “Caltech.” Later, in March 2024, with the aid of

16 Two of the servers appear to be fine, ineed3 rebooted with no errors and we did not look
17 at caltech.

18 The other two servers had login prompts, ineed-3 and caltech, and did not appear to have
19 additional errors.

20 a forensic team, Ravine was able to pull the logs of the server from October 2017, months before
21 the incident, which showed the server’s name that the colocation facility referred to as “Caltech”

1 was “iNeed-1” as of October 2017. The iNeed-3 server logs were also pulled from 2017 and
2 indicated the existence of the original Open AI and open.ai, including 30,000 users. None of the
3 servers were called “Caltech” as of October 2017.



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182. At the time in 2018, Ravine did not grasp the significance of the incident or pay
13 attention to the details because his newer projects had already migrated to Google Cloud.
14 Although frustrated by the loss of significant work and history, the issue was not fully
15 investigated, and the servers were temporarily forgotten.

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182. On August 4, 2023, OpenAI, Inc. filed a lawsuit against Ravine in an attempt to
19 portray him as a troll to gain ownership of the Open AI Mark and open.ai domain, which they had
20 tried to acquire from Ravine for eight years.

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184. During discovery for the lawsuit, it then dawned on Ravine that the logs of his
19 original open.ai and OpenAI servers, which proved the existence of Ravine’s original Open AI,
20 had been destroyed in May 2018 during the incident in which the logs of the iNeed-3 server,

1 which hosted open.ai, were flooded and had to be erased on reboot. It was then noticed that the
2 iNeed-1 server name had been changed to Caltech.

3 185. Interestingly, D’Angelo was the only person with Caltech ties who ever had access
4 to the server. His username contained the word Caltech. There were about a dozen with access to
5 the server, and none of them other than D’Angelo had anything to do with Caltech.

6 186. On information and belief, a server would not change its name automatically from
7 iNeed-1 to Caltech without intervention. Additionally, it would be far easier for anyone with
8 current or past root access to change the name of the server. Even having root access to the servers
9 for a limited time would allow a person to take command of any server at a later point by
10 installing a backdoor process to allow re-entry at any point.

11 187. Years later, in February 2024, these servers and disks were needed to show the
12 existence of the original Open AI when OpenAI, Inc. filed a lawsuit against Ravine. Even though
13 Counter-Defendants had known about Ravine for eight years and had attempted to purchase the
14 rights to the Open AI Mark from him, OpenAI, Inc. argued in the lawsuit that Ravine had never
15 actually built or used “Open AI” and was just a troll since Ravine lacked the server logs to
16 immediately prove otherwise. Based on an incomplete record—in part due to the difficulty the
17 Ravine Parties faced in gathering evidence, much of which had been lost on the servers—the
18 Court entered a preliminary injunction against the Ravine Parties. The Ravine Parties have
19 appealed the preliminary injunction.

20 188. In March 2024, Ravine’s forensic team was able to retrieve a backup log of the
21 server from October 2017 that shows Open AI and open.ai existed and, in fact, had more than
15,000 users by July 18, 2017. The logs also show that the server’s name in October 2017 was
iNeed-1, and not Caltech as indicated by the colocation facility during the May 3, 2018 incident.

1 189. The Preliminary Injunction provided OpenAI, Inc., which is really ClosedAI, at
2 least a temporary monopoly over the name Open AI that they stole from a literally open AI
3 company that has used it to pursue a truly open AI.

4 190. Counterclaim-Defendants stand to command more than superpowers in the coming
5 few years. These are also the people who, under the misleading guise of being “Open,” have
6 obtained access to the personal data of hundreds of millions of users. It is no surprise that they are
7 currently being investigated by the FTC and EU and are facing lawsuits for data leaks and weak
8 guards of user data privacy.

9 191. Believing that Altman could not engage in those acts because he looks good,
10 sounds genuine, says he is altruistic and hangs out with lawmakers conjures thoughts of Sam
11 Bankman-Fried and Elizabeth Holmes. These once Silicon Valley darlings are from the same
12 cloth; they appear genuine, say they are altruistic and rub shoulders with lawmakers, but the
13 well-manicured façade conceals a darker truth.

14 **8. Abuse of Power: Altman Abuses Humanity’s Property**

15 192. Out of the 15 lawsuits in which OpenAI, Inc. is currently involved, 14 are from
16 individuals, large groups, and companies suing OpenAI, Inc. for stealing their data or money. In an
17 unprecedented display of abuse of power, OpenAI, Inc., the \$100 billion “non-profit for humanity”
18 backed by the world’s deepest corporate pockets (Microsoft), has set its sole outgoing legal action
19 on none other than a private individual, Ravine, the very originator of Open AI.

20 193. The absurdity of the situation is thrown into sharp relief when one considers that
21 Ravine created Open AI for the benefit of humanity, only to have it hijacked and diverted from its
intended purpose by Altman and Brockman. Now, in a twisted turn of events, they are wielding
the very non-profit property of humanity that they usurped against the person who created the
promise for them to steal.

1 194. In a stunning display of hypocrisy and abuse of power, OpenAI, Inc. is suing
2 Ravine for the name “OpenAI,” which they stole from him and which represents the exact
3 opposite of who they are. The entire industry has called upon them to change their name to
4 “ClosedAI,” yet they persist in their deception, even as to sue the very man whom they stole the
5 name from.



6 **Quincy Lee** ✓
@QuincyEdmundLee

...

7 The intellectual dishonesty of @OpenAI is encoded in its name

8 It leads a massive lobbying campaign in DC aimed at blocking out
9 competitors

10 But it retains the name "OpenAI"....

11 Its hard to imagine a more ironic outcome

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195. On Feb 19, 2022, Altman reached out to Ravine in another attempt to acquire the Open AI Mark and open.ai domain. When Ravine offered Altman the Open AI Mark and name and open.ai domain for a substantial donation to open academic AI research, Altman, instead of responding with a donation to the cause he claims to champion, decided to funnel millions of dollars to his lawyers. This act, a striking abuse of humanity's non-profit resources, was done in order to obtain a name that embodies the very dishonesty and deception that defines their organization, and to silence the originator of that name, a person because of whom Altman has the

1 very ability to wield millions of dollars on a lawsuit, which he is now using against the very
2 originator of what made him successful.

3 196. This was the last direct interaction between Altman and Ravine:

4 On Feb 19, 2022, at 9:09 AM, Altman <****@openai.com> wrote:

5 Hi Guy,

6 I'm following up on past conversations between you, me and Greg
7 Brockman regarding your Open.AI academic collaboration
8 initiative. It looks like [open.ai](#) currently redirects to our website.
9 OpenAI is working on building out our own domain portfolio -
10 would you be open to us acquiring the [open.ai](#) domain name and
11 related IP rights from you?

12 Thanks!

13 Sam

14 On Sat, Feb 19, 2022, at 1:47 PM, Ravine <*****@gmail.com> wrote:

15 Hi Sam,

16 Elon Musk paid \$11 million for the Tesla domain and trademark in
17 2017. As we both know, OpenAI holds the potential to become larger
18 than Tesla, and in either event, will become one of the largest
19 companies in the world in a relatively short period of time. So the
20 ultimate value of the domain and the brand are substantial.

21 The issue is that if you offered me a sum, I have no use for the money.
As an individual, I'm already well off. In fact, I'm about to sell my
company, [video.io](#), which will make me even more money. So I'm not
sure that giving money to someone who doesn't need it is a great use of
resources for the world (assuming that your goal is to make the most
good in the world).

So here's something else you should think about that may align our
values better.

I'm selling my company so I could focus on funding academic AI
research. The type of research I'm passionate about is also the type of
research that OpenAI is interested in.

Suppose that instead of giving a rich guy more money that he doesn't
need, you donate the money to an academic collaboration that I am
gearing to launch that funds academic research in transformers.

In that case, OpenAI would benefit in several ways:

- 1 1. OpenAI would of course get the domain and IP.
- 2 2. Instead of giving the money away, it would be a donation to an organization that funds academic AI research which that would translate to good will with the academic AI community.
- 3 3. The organization would also take input from OpenAI as to which research makes most sense to fund. Since OpenAI benefits from new research discoveries in areas that OpenAI sees as important, doing this is something that effectively pays back to OpenAI.
- 4 4. The money would not be wasted, the transaction would result in good karma for the world, the academic community would view OpenAI more positively, and the donation would pay back for itself.

6 Guy

7 On Feb 27, 2022, at 8:11 PM, Altman <****@openai.com> wrote:

8 Thanks for getting back, and sorry for the delay. Can you give me some more details about the academic collaboration and what you would be interested in from us?

9 Best,
10 Sam

11 On Thu, Mar 3, 2022, at 8:13 PM, Ravine <*****@gmail.com> wrote:

12 Hey Sam, sorry for the delay. Will get back to you after I get a moment to consider this. Been working to get my Russian team and their families out in time in an operation that turned into a James Bond plot that keeps getting more insane. Will be in touch soon.

13
14 **From:** Sam Altman <****@openai.com>
15 **Subject:** Re:
16 **Date:** March 4, 2022 at 1:58:16 PM PST
17 **To:** Guy Ravine <*****@gmail.com>

18 So sorry to hear; great you are doing that...

19 197. Altman never followed up. In fact, Ravine did not hear from OpenAI for well over
20 year, until he got this message from their outside law firm:

21 OpenAI, Inc. v. Open Artificial Intelligence, Inc., et al. - Notice of Lawsuit >

↳ Aaron Perahia <aaronperahia@quinnemanuel.com>
to me, wheedy@vwlawfirm.com, Robert, Sam, Margret ▾

Fri, Aug 11, 2023, 4:58 PM ☆ ☺ ↶ ⋮

Dear Mr. Ravine,

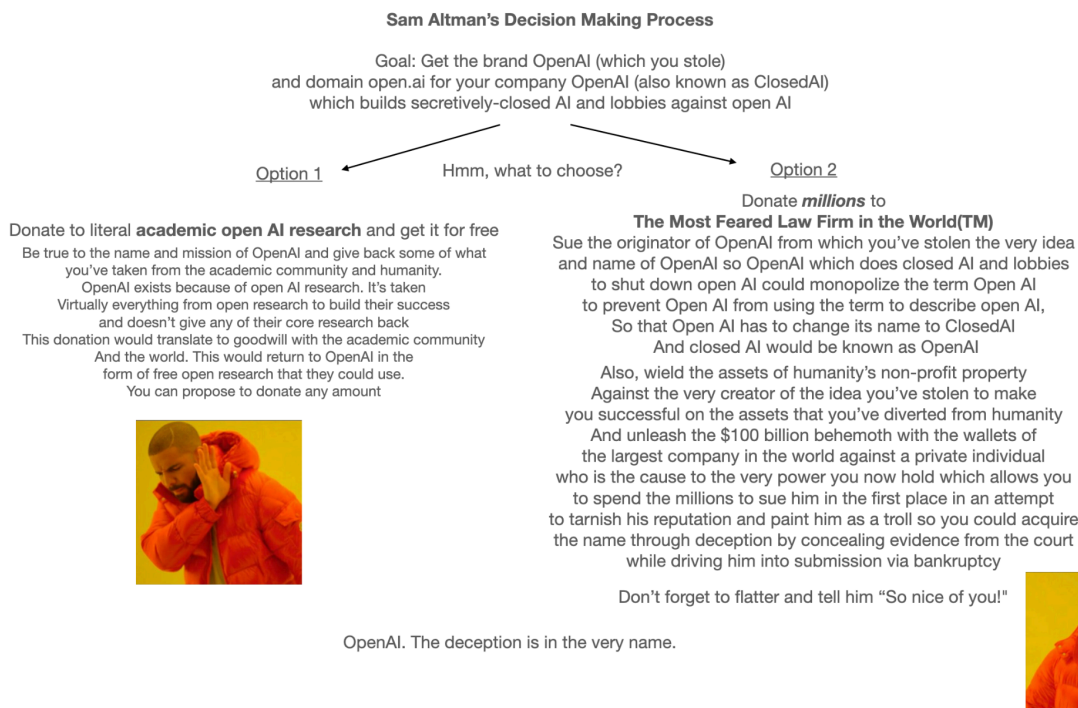
We are outside litigation counsel for OpenAI, Inc. Please be advised that OpenAI, Inc. has commenced a lawsuit against you and Open Artificial Intelligence, Inc. in the United States District Court for the Northern District of California, Civil Action No. 3:23-cv-3918-TSH.

Pursuant to Rule 4(d), attached please find a Notice of Lawsuit and Request to Waive Service, which includes a copy of the complaint. Please inform us promptly whether you intend to agree to waive service. If you agree to waive service, we have also attached a form for you to sign and return to us. If we do not hear back from you regarding whether you intend to waive service, we intend to take prompt action to effect service.

Sincerely,

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198. Rather than donate to academic research, Altman chose to use legal bills as a cudgel to drown and silence the originator of OpenAI, from whom they have stolen the entire basis for their multibillion-dollar company.



199. It is crucial to understand that OpenAI, Inc. is and should be humanity's non-profit property, yet Altman wields it as a personal tool for his own personal vendettas. Just as he intimidated board members to resign so he could consolidate control over OpenAI, Inc., he now seeks to legally bully Ravine, the originator of Open AI, until he is silenced. These are the markings of a juvenile dictator, not of a person acting for the good of humanity.

200. The irony is striking. A non-profit claiming to serve humanity is suing the individual who created the very promise they claim to uphold. The very name "OpenAI" is a surface-level projection of Altman's matrix of deception, showcasing the moral bankruptcy of this

WAYMAKER

1 very individual in command of humanity’s property. He wields humanity’s assets against the very
 2 creator of humanity’s promise, suing for a name he stole and infringed upon from the beginning,
 3 which represents the organization’s very deception and stolen origins.

4 201. Indeed, the name “OpenAI” represents exactly what this company is not. This
 5 trademark lawsuit is a microcosm of OpenAI’s true nature – stolen promises, deceptive practices,
 6 and the dictatorial actions of an individual misusing humanity’s property for personal gain. Their
 7 very origin is one of theft, and their deceptiveness is enshrined in the very name they bear. This
 8 legal action represents Altman’s unlimited ambition for consolidation of power, and misuse of
 9 humanity’s property. The ironies here are numerous:

Irony/Absurdity	Description
Suing the originator	At Altman’s behest, OpenAI, Inc. is suing Ravine, the very person who originated the concept of Open AI and the promise to humanity that they built their success upon.
Using humanity’s property against its creator	OpenAI is using the resources and power gained by diverting humanity’s property to target the individual who created the promise in the first place.
Suing for a name embodying the opposite	OpenAI is suing Ravine for the “Open AI” name, which represents the antithesis of what the company has become: closed, opaque, and self-interested.
Refusing to donate to academic AI research	Altman and Brockman could have acquired the “Open AI” trademark and domain for free by donating to academic open AI research true to the name, but instead chose to instead spend that money in litigation.
Attempting to rewrite history	The lawsuit paints Ravine as a fraud and a troll, attempting to erase his pivotal role in the creation of Open AI.
Shutting down open-source AI community	Shutting down Ravine’s thriving open-source AI community, cutting off access to resources for millions of users.
Being the sole aggressor	Out of 15 lawsuits involving OpenAI, 14 are against the company for stealing data or money; their only outgoing lawsuit targets Ravine.
Preventing the use of “Open AI” for open AI	OpenAI is preventing Ravine from using the “Open AI” name to provide genuinely open AI models and tools, while they operate as a closed AI entity.
Lobbying to ban open AI initiatives	OpenAI is asking Congress to ban open AI initiatives while attempting to monopolize the “Open AI” name, ensuring they are the only ones who can use it.
The name represents their deception	OpenAI is known as ClosedAI and many industry leaders repeatedly ask them to change their name.
Suing an individual as a massive company	It is virtually unheard of for a company of OpenAI’s size and resources to sue a private individual, especially one directly responsible for their success.
Betraying the principles of a non-profit	As a non-profit organization with a fiduciary duty to humanity, OpenAI, Inc.’s actions directly contradict the principles they claim to uphold.

1	Silencing dissent through legal intimidation	Altman and Brockman are using legal intimidation tactics to silence anyone who speaks out against them, just as they did with the OpenAI, Inc. board members who questioned their actions.
2	Attempting to acquire a deceptive name which they wouldn't even be able to register due to deceptiveness	OpenAI is using the legal system to secure ownership of a name that is fundamentally deceptive and misrepresents their true nature.
3		
4	Ignoring calls for a name change	Despite numerous industry leaders calling for OpenAI to change its misleading name, the company continues to cling to it, highlighting their lack of integrity.
5	Diverting resources from AI development	The millions of dollars OpenAI is spending on legal battles could have been used to further the development of open and accessible AI for the benefit of all.
6		

7 VI. RAMIFICATIONS

8 202. OpenAI publicly makes statements such as: “We commit to use any influence we
9 obtain over AGI’s deployment to ensure it is used for the benefit of all, and to avoid enabling uses
10 of AI or AGI that harm humanity or unduly concentrate power.”³¹ This is difficult to square with
11 what we see in the press every day: OpenAI is valued at over \$90B and is widely seen as on a path
12 to a valuation over \$1T. Its tax-favored “non-profit” status persists despite annual profits in excess
13 of \$2B. Over a dozen major lawsuits are pending against OpenAI for uncompensated use of
14 copyrighted works that were used to train the company’s AI models that generate these
15 eye-popping profits. The company still calls itself “open” even though it no longer publishes or
16 open sources its research. When its CEO Altman was fired by the board for not being
17 “consistently candid in his communications with the board,” he threatened to transfer the entirety
18 of the company’s workforce and IP to a subsidiary of Microsoft, itself a \$3T monopolist which
19 already owns a 49% stake in OpenAI. The “inquiry” into Altman’s firing was held by OpenAI’s
20 own law firm, WilmerHale, and details of their deliberations have not been publicly released.
21 There are multiple news stories about self-dealing by Altman, as well as board member Brett
Taylor, and recent reports indicate that Altman is trying to raise \$7T from the United Arab

³¹ OpenAI, *OpenAI Charter* (Apr. 9, 2018), <https://openai.com/charter>

1 Emirates to build chip fabrication plants.³² Altman is fêted by government officials in the United
2 States and worldwide, who hang on his every word as they decide how to regulate the industry he
3 dominates. At what point does this become an “undue concentration of power”?

4 203. This case is ultimately about whether the legal system is willing to hold OpenAI
5 accountable for deception and worse, or whether OpenAI is going to get a free pass for being “too
6 big to fail.” It is not just Ravine who has a right to demand that OpenAI conduct itself honestly
7 and transparently. All eight billion people on the Earth, to whom OpenAI is “irrevocably
8 dedicated” in its Certificate of Incorporation, have a stake in this litigation. The importance of this
9 lawsuit goes far beyond Guy Ravine and his company. The results of this case will profoundly
10 affect consumers, researchers, investors, lawmakers, and indeed anyone who plans to inhabit the
11 planet. Some of these broader considerations are outlined below.

12 **A. An Abuse of Power**

13 204. OpenAI’s modus operandi is abuse of power. Even as the company is defending
14 itself from 14 different lawsuits based on its theft of others’ data,³³ this \$100 billion company with
15 access to the wallet of a \$3 trillion behemoth has chosen to focus its sole outgoing lawsuit on a
16 private individual. Not just any private individual, but Guy Ravine, the very originator of OpenAI,
17 without whom they likely would not exist today.

18 205. The absurdity of the situation is thrown into sharp relief when one considers that
19 Ravine created Open AI for the benefit of humanity, only to have it stolen and diverted from
20 humanity by Sam Altman. Altman is now wielding the very property of humanity that he diverted

21 ³² Keach Hagey, *Sam Altman Seeks Trillions of Dollars to Reshape Business of Chips and AI*, Wall
St. J. (Feb. 8, 2024), available at
[https://www.wsj.com/tech/ai/sam-altman-seeks-trillions-of-dollars-to-reshape-business-of-chips-a
nd-ai-89ab3db0](https://www.wsj.com/tech/ai/sam-altman-seeks-trillions-of-dollars-to-reshape-business-of-chips-and-ai-89ab3db0).

³³ Jonathan Gillham, *OpenAI and ChatGPT Lawsuit List* (Dec. 28, 2023),
<https://originality.ai/blog/openai-chatgpt-lawsuit-list>; Joe Panettieri, *Generative AI Lawsuits
Timeline: Legal Cases vs. OpenAI, Microsoft, Anthropic, Nvidia and More* (Apr. 8, 2024),
<https://sustainabletechpartner.com/topics/ai/generative-ai-lawsuit-timeline/>.

1 from humanity against the very person who created it for him to steal. This is a stunning betrayal
2 of the principles upon which OpenAI was founded and a clear demonstration of the lengths to
3 which its leadership will go to silence anyone who challenges their authority.

4 206. And yet, the absurdity runs deeper. The suit is a battle over ownership of the name
5 “Open AI.” This is not merely any name. Not only did Ravine use the name first, and not only do
6 the Ravine Parties still hold a valid trademark registration for Open AI, but the name itself
7 embodies openness, the antithesis of what OpenAI has become. The company that is closed,
8 opaque, and driven by self-interest is demanding the right to call itself “open” at the expense of the
9 originator of the Open AI concept, who was actually using the mark to create and promote AI that
10 is open.

11 **B. Humanity Needs to Answer the Most Important Question in Human History**

12 207. In the last century, on the heels of the Industrial Revolution, the most important
13 question that defined humanity was whether humanity would be governed by itself in a
14 democracy, or by select individuals in totalitarianism. World Wars have fought over this question
15 and over a hundred million people have died to defend these principles. The result of these deaths
16 is that today, much of the world lives in democracy, and much of humanity is in control of its own
17 destiny.

18 208. But today, the threat to the power of the people is facing something beyond
19 dictators or countries. It is a power that will soon surpass humanity itself: Artificial General
20 Intelligence (AGI). Today, on the threshold of the Artificial General Intelligence Revolution, the
21 most important question that will define humanity will fundamentally repeat once again: who will
control the vast power of AGI? Will it be humanity, or a small group of individuals who will
accumulate in their hands the levers to more power than the entirety of humanity itself?

1 209. What we are witnessing today is a repeat of what occurred in prior centuries. The
2 Industrial Revolution provided the tools for dictators to control millions of people by mobilizing
3 them through persuasion with the technology of the radio and motorized vehicles. The emergence
4 of these tools allowed a class of dictators to arise and exploit vast populations of human labor.
5 Through technology, humanity was tricked or forced to do these dictators' bidding, and reality was
6 reshaped in accordance to the wishes of the powerful few.

7 210. Today, AGI is about to usher in a far greater revolution. AGI will provide those in
8 control with a power equivalent to a vast human population, except that this labor will be a
9 thousand times faster in speed and a thousand times cheaper in cost than the labor of the Industrial
10 Revolution, and it will be able to improve and replicate its capabilities by itself. This labor will be
11 equivalent to not millions but billions of human-like workers that become more intelligent and
12 capable by the day. Control of large data centers with millions of servers running AGI systems
13 will allow those in control to consolidate in their hands not only the means of production of the
14 economy but also to overwhelm and control the political process; the very destiny of humanity. It
15 will be like controlling a new form of life that is orders of magnitude superior to humanity, that
16 will keep improving over humanity exponentially.

17 211. We are about to lose what many millions have died for by giving control to a few
18 individuals who have worked behind the scenes to accumulate in their hands at the expense of
19 humanity a power that will surpass nations and superpowers -- AGI. We are within single-digit
20 years to the point when those in command of the leading AGI super system will hold more power
21 in their hands than humanity combined. This power is currently accumulating away from public
view on encrypted servers as these systems learn humanity's works in an effort to beat humanity
on any job to attain superhuman capabilities over humanity.

1 212. The story of the theft of Open AI from Guy Ravine is nothing less than the story of
2 the theft of humanity’s emerging means of production – AGI – from its proper provenance to the
3 personal command of a single individual, one who has used the very promise that these systems
4 are owned by humanity to gain personal control over the very systems that will displace humanity.

5 213. Ravine created an insurance policy for humanity in late 2014 to assure that
6 humanity as a whole controls and owns the great emerging power of AGI, rather than a small
7 group of individuals. This promise was stolen, diverted, bastardized, and systematically
8 dismantled, ultimately for the benefit of a single individual, Sam Altman, and those who are in his
9 favor. When Greg Brockman and Sam Altman stole Open AI from Ravine, they saw within the
10 promise to provide this power to humanity an opportunity to gain command of this very power.

11 214. Noted AI leader Tom Gruber, the co-founder Apple’s Siri emphasizes the
12 seriousness of the present situation:

13 It is a travesty that by hijacking Guy’s Open AI initiative and hurriedly making a
14 major announcement, Altman and Brockman were able to attract top AI researchers
15 and abundant donations, which allowed them to become a major player in AI. The
16 fact that Altman and Brockman’s OpenAI later switched from a non-profit, open AI
17 organization for the benefit of humanity to a closed AI, for-profit, under the
18 influence of the founders is a betrayal of the original mission.

19 If OpenAI achieves its mission of developing Artificial General Intelligence, that
20 power would now be concentrated in the hands of a few individuals with apparently
21 no independent oversight rather than shared widely with humanity. It is tragic that
the hijacking of Open AI from Guy Ravine may have historic consequences. Whoever gets AGI first will have a tool that could be used to exert enormous power over economic and political systems. This power should rest in a democratically governed society rather than a few people who report to no one. The ideological tool of an “open AI” non-profit effort “for the benefit of humanity” that they stole and hijacked from Guy Ravine who spent three years thinking about how to ensure the future of humanity is under its own power was a recipe for an AGI effort. This recipe would allow them to acquire the research talent and zero-dilution funding to consolidate in their hands totalitarian personal control over an effort to build and command the very AGI that will overpower humanity. They used the facade that they are operating for humanity.

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215. For Altman and Brockman, OpenAI was never really about humanity to begin with. The very promise to humanity was stolen from someone else because it was a recipe to acquire research talent from Google and tax-incentivized funding from unsuspecting philanthropists.

216. When the board fired Altman and then Brockman quit, their deception and motives became obvious to anyone paying attention. If they were really acting for humanity, would they have, upon Altman’s dismissal, rushed to offer OpenAI’s entire workforce to build AGI as a subsidiary of Microsoft, a \$3T for-profit monopolist company? Clearly, Altman and Brockman are motivated solely by a lust for control of AGI. This episode, the events in this complaint, and countless other actions indicate that humanity is not in their heart or driving their goals; they seek personal control of AGI. At any cost.

217. Further evidence of dictatorial intent: Altman was literally fired by his own board for not being truthful enough to uphold OpenAI’s charter-driven promise to humanity, yet he came back by using legal intimidation, financial blackmail, threats to individuals, and, in a sign of our times, many, many social media posts with heart emojis. He forced the board members who fired him to resign and installed his own board of loyalists. Having survived this putsch, Altman and Brockman redoubled their efforts to dismantle the systems intended to ensure that AGI will be the property of humanity. Altman created a so-called AI Ethics Council, and he crowned himself co-chair. The two were able to appropriate technology that was expressly created to be owned and operated for the benefit of humanity to their own personal property.

218. Unlike dictators of the past who would mobilize armies to do their bidding on the vision that they would be working for the good of the people, Altman and Brockman used the promise to humanity to mobilize an army of research talent and multi-billion dollar donations. But as with all dictators, once their power was entrenched, they systematically dismantled the promise

1 behind the scenes, eliminated dissenters, and consolidated power, while maintaining the façade
2 that they are operating for humanity. Just as Elon Musk noted that Altman and Brockman used
3 him for his money, so too researchers who joined OpenAI to benefit humanity were used – and are
4 being used – to create power and value for Altman and Brockman. When these scientists build an
5 AGI that can do their own jobs, OpenAI will no longer need them; they will be replaced the way
6 Uber drivers are being replaced by self-driving vehicles. OpenAI’s researchers may have believed
7 that they were working for the people, but in effect they have been working to increase the power
8 of a few individuals.

8 219. This amounted to the greatest labor arbitrage scheme in human history, acquiring
9 people to build systems that will displace all of humans and concentrate this power in the hands of
10 a few individuals, on the promise—the cynical promise—that their work will be given to
11 humanity. They promised to give it to humanity while displacing the very people who were



12 **Sam Altman** ✓
@sama

...

13 sure 10x engineers are cool but damn those 10,000x
14 engineer/researchers...

12:24 PM · Sep 22, 2023 · 1.1M Views

15 building the tools that will displace them.

16 220. Surely it is a serious crime against humanity to steal the means of production from
17 humanity under the façade and promise that you are doing it for humanity. There is no more
18 cynical of a crime than this theft. The theft of humanity’s means of production from itself, the theft
19 of humanity’s power from itself, on the promise that that this power will belong to humanity. And,
20 after hijacking the promise to humanity, using the newfound power on the back of the promise to
21 attempt to bury the very person who created the very promise.

1 221. Sam Altman is racing to answer the most important question in human history:
2 “Who will be in control of AGI?” He began writing his name as the answer, hoping that humanity
3 could not pay attention fast enough.

4 222. Altman’s dismissal and resurrection happened only months after he himself said,
5 “The board can fire me, I think that’s important.”³⁴ But when the board acted on the fiduciary duty
6 for humanity and fired him on the eve of a breakthrough towards an AGI system that could pose a
7 danger to humanity, they were pilloried in social media by Altman’s allies as “bad board
8 members.”

9 223. Altman is now rushing to construct a \$100 billion super-system of data centers that
10 will run millions of super-intelligent AIs under his control. These systems, when working in
11 concert, will be able to think far faster, far cheaper, and far better than potentially all of humanity
12 combined, as it will set out to improve itself at superhuman speeds. As these superintelligences
13 cooperate, the control of this system will provide Altman controls it with more power perhaps the
14 entirety of human workforce, or within an order of magnitude thereof, with the ability to
15 coordinate their actions to displace humanity, disempower and overpower humanity, or silence
16 dissent in ways we could not even imagine. There are numerous advantages to such a system if it
17 is set to cooperate over biological groups of humans that it would not take that many servers of
18 superhuman agents cooperating together to overwhelm the economy or surpass the power of
19 governments.

20 224. And if that is not enough, Altman is in talks to raise a rumored \$7 trillion for a
21 system of data centers and fabrication factories under his personal control, external to OpenAI,
that will then license OpenAI’s technology to run on his own personal systems, just in case he gets

³⁴

<https://www.bloomberg.com/news/videos/2023-06-22/openai-ceo-sam-altman-on-the-future-of-ai>

1 fired again. This would serve as an insurance policy for himself. He also fired the AI safety
2 researchers who leaked or were close to those who leaked to the board the warning of an internal
3 breakthrough that could serve as a threat to humanity before the board fired him. Ilya Sutskever,
4 the Chief Scientist and co-founder who voted with the board to fire Altman, responsible for
5 ensuring the safety of the system, is rumored to have been metaphorically crucified; except for a
6 cryptic message that “the beatings will continue until morale improves,”³⁵ he has not been heard
7 from since. This sent out a strong message: dissent to Altman will be eliminated. OpenAI is
8 Altman’s property.

8 **C. “A system a billion times more powerful than any human”**

9 225. Altman is exploiting information asymmetry: the lack of public understanding of
10 the speed of the transformation of these systems behind the scenes and the true power that they are
11 about to wield for those who control them. Because humanity has not caught up, he gets away
12 with misleading Congress that he only cares about humanity; he testified “I have no equity in
13 OpenAI... I’m doing it because I love it” to imply that he is so eager to be CEO of OpenAI out of
14 his altruistic motive for humanity that he does not need to receive anything in return.

15 226. Altman realized from the very beginning that controlling OpenAI as it constructs
16 AGI is much more valuable than any equity or money. Controlling this system is equivalent to
17 controlling millions of super-fast superhuman workers that keep improving, a system in his own
18 words “a billion times more powerful than any human.” He said in 2019 that with such systems
19 OpenAI could “maybe capture the light cone of all future value in the universe,”³⁶ quickly adding,
20 “... and that’s for sure not okay for one group of investors to have.” He apparently changed his
21

³⁵ <https://au.news.yahoo.com/openai-cofounder-pushed-sam-altman-220141667.html>

³⁶ Connie Loizos, *Sam Altman’s leap of faith*, TechCrunch (May 18, 2019) <https://techcrunch.com/2019/05/18/sam-altmans-leap-of-faith/>. In 2019 the then-underdog Altman followed this prediction by saying, His opinion seems to have changed with his increased station.

1 mind about this last part, because he went on to consolidate these systems under his own
2 command when he was in a position to do so.

3 **D. Altman Has Hijacked Humanity's Property**

4 227. By its charter, OpenAI is humanity's de facto property. There are no shareholders.
5 Humanity is the only beneficiary on the non-profit's charter that owns the for-profit. The system
6 has a fiduciary duty to humanity. OpenAI is therefore your asset—your property—dear reader, as
7 it is all of humanity's. It is likely the most valuable asset you will ever own, one with the capacity
8 to replace you. Because OpenAI is building an electronic replacement to humans far more capable
9 and orders of magnitude faster and cheaper than humans, with their construction of millions of
10 servers, this property will soon outgrow to have more labor capacity than humanity itself. It will
11 be able to produce staggering value, perhaps many times more than the economy as the system
12 grows. Some have estimated this value as big as in the quadrillion dollars range, as these systems
13 surpass human labor. Your personal stake in the system could be imagined as equivalent to all the
14 work you will ever perform, because this system will be trained on your work and the work of
15 millions of others—all of humanity—on an explicit charter to displace you and everyone else.
16 Creating a system that outperforms humans in economically viable tasks is the organization's very
17 charter, and it is close to achieving this very system.

18 228. The system is training on humanity to displace humanity, while potentially putting
19 humanity in existential risk to get there, on the charter that it is humanity's property—but in
20 practice, it is the de facto property of a single individual. Your property, potentially your most
21 valuable property—your future labor, has been hijacked by one person who says that it is your
property. The OpenAI system—humanity's property—in practice answers to no one—no real
board, no shareholders—it has been hijacked by a single person.

1 229. At this moment in time, humanity has its answer: Unless humanity gets its grip
2 together and takes control of its own property, Sam Altman will remain in control of humanity's
3 future and its means of production - millions of data centers running millions of superhuman AI's
4 with ever growing capability to overpower humanity in every dimension.

5 230. As Brockman himself said, "it's not science fiction anymore."

6 231. We need to act because the initial conditions for what the future of humanity will
7 look like or if it even has a future is being laid as at this very moment in time. This is the most
8 critical and pressing matter humanity has ever dealt with, a system that will overpower humanity,
9 and the fact that it is happening in a span of months not years should make us all drop everything
10 we do and focus on this very matter. If these systems are in control of humanity they could create a
11 utopia, an abundance like no other, where humanity controls its destiny. If these systems are in
12 control of the select few, then they will create whatever is in the image of the person who controls
13 them. If these systems control themselves or the system dynamics spiral into unpredictability, then
14 there is no telling what will happen.

15 232. Humanity needs to decide what it wants its future to look like. Nothing else
16 matters. Everything else pales in comparison to what is coming in the next few years, and it is
17 going to render your job and everything you know obsolete, vastly faster than you can appreciate.
18 If there is still such a thing. Progress that used to take a decade will take months. The most
19 important question in human history is who will control these vast powers?

20 233. Cynically, they acquired this power on the very promise to humanity, the promise
21 that they hijacked, because the promise itself was also the recipe by which they could acquire this
great power in their very hands and the best talent and funding to build AGI, to gain personal
power over an AGI effort that could compete with Google.

1 234. They were fired, after which they came back and fired the board, showcasing that
2 their dismantling of the mechanisms in place to ensure that it is humanity's property and insurance
3 policy, was successful.

4 235. Altman and Brockman at the outset—returned to fire the board and regain control
5 of the system that can overpower humanity, thereby consolidating in their hands control of the
6 power that is about to subjugate humanity.

7 236. The story of OpenAI is the story of the continuous diversion of humanity's future
8 means of production from its own provenance to the provenance of a few individuals.

9 237. It is important to understand three things:

10 238. First, the significance of these events that are now occurring in the field of
11 Artificial Intelligence and their impact for the rest of human history. With the determination of
12 who will be in control of these systems—humanity or a few individuals—Humanity is currently
13 putting in place the initial conditions for what the rest of human history will look like.

14 239. Second, OpenAI is humanity's own de facto property—it is your property, dear
15 reader. The fiduciary duty of the organization is to humanity as a whole, and not to Sam Altman or
16 Greg Brockman or any individual. The duo each has a stake as equal in OpenAI as you, dear
17 reader, have yourself, as part of 8 billion other people. This property is the most valuable property
18 that you will ever own. It stands to become the new means of production that will take over your
19 means of production—your work, your job. Its charter is to displace humanity—to displace you,
20 on the back of the work that you created as the system is trained on your work and the work of
21 humanity to displace humanity. This is the explicit chapter of OpenAI.

 240. It is therefore paramount that the property of OpenAI is in your control and your
ownership, and is not diverted to any other individuals, because that would amount to theft of
humanity's means of production from its own provenance.

1 241. Three, Altman and Brockman hijacked OpenAI and its charter to serve humanity
2 from Ravine not for idealistic motives but as a ploy to gather research talent and funding that they
3 would be operating for humanity. Once they had the ingredients they needed, they systematically
4 began to dismantle the very mechanisms put in place to ensure that this property belongs to
5 humanity. OpenAI turned from open to closed, from a non-profit to a for-profit, and from an
6 organization under the control of humanity, to an organization under the de facto totalitarian
7 control of a single individual. Sam Altman, who was fired by the board for not upholding the
8 promise to humanity, and who later returned to intimidate, manipulate and blackmail the board to
9 reinstate himself. This happened only months after Altman himself said that the world should not
10 trust him with this great power and that it is important that the board could fire him.

11 242. The world should not trust Sam Altman with this great power, as he said himself
12 before it was convenient for him to forget what he said.

13 243. The most critical thing that humanity needs to recognize is that because of the rapid
14 pace of evolution in AI these systems are going to overpower humanity in the next 2 years, each
15 server out of millions surpassing the intelligence of every human, while operating at a speed 100
16 to 1000 times faster and cheaper. It is crucial that humanity takes control of its own property:
17 OpenAI, which is at the lead of the AI race and is constructing systems about to overpower
18 humanity, before this power has inflated behind the scenes so far that it can never be taken back.

19 244. This power grows in the dark, as the systems improve themselves on encrypted
20 servers, learning all of humanity's collective works, with the explicit goal to surpass and displace
21 humanity. The goal of overpowering and displacing humanity is on the very charter of OpenAI. It
is therefore the most critical thing that humanity can do at this very moment in time—take
possession of its legally-binding property OpenAI, because this power is further diverted to the
totalitarian control of a single individual.

1 245. Altman says that he is operating for the people. But his actions show that he is
2 operating for himself, and like dictators of past—is maintaining the facade and the
3 genuine-looking dark authenticity face that humanity can trust him while he is constructing the
4 systems that will overpower and take over the means of production from humanity in a blink of an
5 eye, because he you can trust him to give this power back to the people.

6 246. This is a person who was fired twice in the space of 4 years for being untrustworthy
7 and for doing “what’s in it for me”. It is a person who, merely the day after he when fired, was
8 instantly willing to gut OpenAI’s team and reconstitute the construction of this system that will
9 displace humanity within a monopolist for-profit, Microsoft.

10 247. Make no mistake, this person operates this system for himself, not for humanity.

11 248. It is a person who hijacked the promise to humanity at its very origin, bastardized
12 and used it to acquire personal command over these systems by using the promise to recruit
13 research talent and donors. Once he had those, he systematically dismantled the mechanisms to
14 ensure this power remains in the hands of humanity, consolidating control under his own
15 command. His consolidation of control was tested with the board firing, which illustrates that he is
16 indeed the de facto singular owner of humanity’s property—its future means of production—on a
17 charter that he hijacked that this system serves humanity.

18 06-22-2023 | TECH

19 **Sam Altman: You should not trust** 20 **Sam Altman**

21 The OpenAI CEO says large AI models are so powerful that control of them must be
democratized to all people in the near future. (Good luck with that.)

1 249. Because the pace of evolution of AI today is happening on the scale of months, not
2 years, it is about to reach the point of overpowering humanity within the next 1-2 years. At that
3 point, as the system is set out to improve itself, it may be impossible to take back this power. It is
4 crucial that humanity takes back control of Open AI—its legally binding property—before it is
5 further bastardized to be completely subjugated.

6 250. This is not a warning by anyone, but by the very originator of the promise to
7 humanity —Ravine, who originated Open AI before it was hijacked by Altman and Brockman.
8 Ravine created Open AI specifically to ensure that this power will be the property of humanity and
9 it was a recipe for the creation of an AI effort that could compete with Google. This ideology
10 appealed to the best researchers and to Musk as a donor. Altman and Brockman hijacked the
11 ideology and used it to gain personal command over this power. They therefore used the promise
12 to humanity that was created to prevent this very concentration of power, against itself—creating
13 what Ravine created it to prevent.

14 251. Open AI is humanity’s property and it was hijacked. Who will control the future of
15 humanity? Humanity itself or a few individuals?

16 252. Altman himself has suggested he, nor any one person, should be trusted:³⁷

17 **ON WHETHER THE WORLD SHOULD TRUST SAM ALTMAN:**

18 “You shouldn’t. No one person should be trusted here. I don’t have super
19 voting shares. The board can fire me. I think that’s important. [We]
20 think this technology, the benefits, the access to it, the governance of it,
21 belongs to humanity as a whole. If this really works, it’s quite a powerful
technology and you should not trust one company and certainly not one
person.”

E. AI Safety’s Blindspot

³⁷ Mark Sullivan, *Sam Altman: You should not trust Sam Altman*, Fast Company (June 22, 2023),
<https://www.fastcompany.com/90913845/sam-altman-you-should-not-trust-sam-altman>.

1 253. The field of AI safety rightly focuses on preventing the development of misaligned
 2 artificial intelligence. The archetype of a dangerous or misaligned AI agent possesses the
 3 following characteristics: (1) Power-seeking; (2) Deceptive; (3) Persuasive; (4) Malicious; (5)
 4 Determined in pursuing objectives; (6) Misaligned with human values; (7) Difficult to interpret or
 5 control.

6 254. Shockingly, these same dangerous traits perfectly describe Sam Altman, the CEO
 7 of OpenAI, as demonstrated in the table below.

Characteristic	Danger in AI Agent	Altman’s Amplified Danger
Power-seeking	Prioritizes control over humanity’s well-being	Defied board to regain power at OpenAI; described as “exceptionally good at getting powerful” by former mentor Paul Graham; orchestrated removal from Y Combinator in 2018 due to concerning behavior. As a human, Altman can navigate complex social and political landscapes to amass power in ways an AI cannot.
Deceptive	Hides risks and hinders safe AI development	Contradicts public statements with actions; called a “pathological liar” by Elon Musk; board stated he “has not been candid”; promised Musk an open organization benefiting humanity, but delivered a closed one serving his interests. Altman’s human ability to deceive through charm and persuasion makes him more dangerous than an AI, as he can manipulate people’s trust and emotions.
Persuasive	Manipulates others to support misaligned agenda	Pressured board to reinstate him through social media, legal intimidation, and threats; appears genuine while scheming; wields incredible influence to shape public opinion, policy, and resource allocation. As a charismatic human, Altman can persuade people to support his misaligned agenda, exploiting human biases and vulnerabilities in ways an AI cannot.
Determined	Pursues objectives at any cost, even if harmful	Displays unwavering commitment to his goals, even when misaligned with humanity’s interests; willing to take harmful or risky actions; views human opposition as an obstacle to overcome. Altman’s human determination, coupled with his misaligned values, allows him to pursue his objectives relentlessly, adapting to challenges and leveraging his resources in ways an AI cannot.

1 2 3	Uninterpretable	Opaque decision-making hinders risk identification	Impossible to directly examine his mind, making intentions and decisions inscrutable; public persona may mask true motives; decision-making processes and motivations are opaque, making it challenging to identify risks. As a human, Altman's uninterpretability is more dangerous than an AI's, as we cannot analyze his mind like we could an AI's weights and neural activity.
4 5 6 7	Verified as a Risk	Credible warnings of danger are ignored	Own board fired him due to concerns his actions endangered humanity, demonstrating lack of confidence in his alignment; reputable figures and institutions have identified him as a risk. As a human, Altman can leverage his influence and resources to discredit or suppress warnings about his misalignment, making him more dangerous than an AI that could be more easily contained.
8 9 10	Misaligned	Prioritizes own objectives over humanity's well-being	Board firing revealed depth of misalignment with beneficial AI development; prioritizes personal power over safety; has goals and values not aligned with humanity's interests. As a human, Altman's misalignment is more dangerous than an AI's, as he can deceive others about his true intentions and adapt his strategies to avoid detection and maintain power.
11 12 13 14	Access to Vast Resources	Can develop and deploy advanced AI at unprecedented scale	Constructing vast data center with millions of AGI instances, exponentially amplifying his power; can operate freely as a human; has funding, data, and computing power to create AI systems that are difficult to control or regulate. As a human with vast resources, Altman can leverage his wealth and connections to influence policies, institutions, and public opinion in ways an AI cannot, making his access to resources more dangerous.

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255. However, there are two critical differences between a rogue AI agent and Sam Altman that make him an even greater threat. First, Altman is constructing and will have access to a vast data center with millions of AGI instances working together, exponentially amplifying his power. Second, as a human, Altman can operate freely in the world, and can manipulate systems and individuals in ways an AI could not. Moreover, his misalignment has been verified by his own board, who fired him due to the danger he poses to humanity.

1 256. This presents a far more immediate and tangible threat that the AI safety
2 community is neglecting in favor of improbable scenarios. While they debate hypotheticals, a
3 misaligned human is already racing to concentrate power capable of dominating humanity. The
4 true danger lies in the resources we are handing to Altman.

5 257. The AI safety community's focus on "alignment" is crucial, but it begs the
6 question: alignment with whom? Currently, the emphasis seems to be on aligning AI with its
7 creator's goals - in this case, Sam Altman's. To protect humanity, we must confront the
8 uncomfortable reality that if an AI demonstrating these hazardous traits would be blacklisted, the
9 same standard should apply to a human.

10 258. The AI safety community must recognize the critical threat posed by misaligned
11 humans with concentrated, unchecked power over AI.

12 **CLAIMS FOR RELIEF**

13 **FIRST CAUSE OF ACTION**

14 **LANHAM ACT UNFAIR COMPETITION, FALSE DESIGNATION**
15 **OF ORIGIN OR SOURCE, AND FALSE ADVERTISING**

16 **(15 U.S.C. § 1125(a))**

17 **(Against All Counterclaim-Defendants)**

18 259. The Ravine Parties incorporate by reference, as though fully set forth herein, the
19 allegations of the preceding paragraphs of this Counterclaim.

20 260. The Counterclaim-Defendants' actions as described and alleged above, including
21 but not limited to the sale and/or offering for sale of infringing goods and services under a mark or
name confusingly similar to the Ravine Parties' Open AI Mark, are intended to and are likely to
confuse, mislead, or deceive consumers, the public, and the trade as to the origin, source,
sponsorship, or affiliation of the infringing goods and/or services and is intended and are likely to

1 cause such parties to believe in error that the infringing goods and/or services have been
2 authorized, sponsored, approved, endorsed, or licensed by the Ravine Parties, and as such
3 constitute unfair competition, false designation of origin, false or misleading descriptions or
4 representations of fact, false advertising, and/or unfair or deceptive trade practices, and in fact
5 have already caused such confusion and/or mistake, in violation of Section 43(a) of the Lanham
Act. 15 U.S.C. § 1125(a)(1)(A).

6 261. Further, the Counterclaim-Defendants' actions as described and alleged above,
7 including but not limited to the sale and/or offering for sale of infringing goods and services under
8 an impermissibly misdescriptive mark or name suggesting that its products and services are open
9 to the public and their repeated public announcements in interstate commerce regarding its
10 intentions as a non-profit artificial intelligence company, misrepresents the material nature,
11 characteristics, and qualities of the products and services sold in interstate commerce under the
12 Infringing Mark in commercial advertising and promotion, which had the capacity to deceive, and
13 did in fact deceive, a substantial segment of the public, and as such constitutes unfair competition,
14 false designation of origin, false or misleading descriptions or representations of fact, false
15 advertising, and/or unfair or deceptive trade practices, and in fact have already caused such
16 confusion and/or mistake, in violation of Section 43(a) of the Lanham Act. 15 U.S.C. §
17 1125(a)(1)(B).

18 262. By reason of and as a direct and proximate cause of the Counterclaim-Defendants'
19 unfair, misleading, deceptive and/or false misconduct, the Ravine Parties have been suffering, and
20 will continue to suffer, substantial and irreparable injury, including to their reputation and
21 credibility, resulting in lost opportunities, diminished goodwill, and harm to its ability to expand
and to achieve their plans and goals for the development, use, and future of AI. Each of the

1 Counterclaim-Defendants, by virtue of their knowing and active participation in the conduct
2 described herein, are jointly and severally liable for the injury to the Ravine Parties.

3 263. As set forth herein, the Counterclaim-Defendants' conduct has been willful and in
4 bad faith, in that they had actual knowledge of the Ravine Parties' Open AI Mark; the Ravine
5 Parties' prior use of the Open AI Mark; and the registration of the Open AI Mark, making this an
6 exceptional case within the meaning of 15 U.S.C. § 1117(a).

7 264. The Ravine Parties have no adequate remedy at law because their Open AI Mark
8 and name are unique and represent to the public Open AI's identity, reputation, credibility, and
9 goodwill, such that monetary damages alone cannot fully compensate the Ravine Parties for the
10 Counterclaim-Defendants' willful misconduct.

11 265. Unless permanently enjoined by this Court, the Counterclaim-Defendants will
12 continue to willfully and openly infringe upon the Open AI Mark and name, causing irreparable
13 injury to the Ravine Parties. This present and future and real threat of injury to Open AI's
14 business, identity, goodwill, credibility, and reputation requires the imposition of permanent and
15 comprehensive injunctive relief to prevent Counterclaim-Defendants' continued unfair, deceptive,
16 misleading, false advertising and business practices, and to address and to mitigate the Ravine
17 Parties' injury.

18 266. The Counterclaim-Defendants have financially gained and been unjustly enriched
19 from this unlawful misconduct. They have made, and will continue to realize, substantial profits or
20 gains to which they are not entitled under law or equity to retain. Consequently, in addition to the
21 grant of permanent injunctive relief, the Ravine Parties are entitled to an award of monetary
damages pursuant to 15 U.S.C. § 1117(a), including, but not limited to, disgorgement of the
Counterclaim-Defendants' profits, a reasonable royalty for the unauthorized and unlawful use of
their Open AI Mark or name, loss of goodwill and value in the Open AI Mark and name, and costs

1 of suit, in amounts to be determined at trial. *See Romag Fasteners, Inc v. Fossil, Inc.*, 140 S. Ct.
2 1492, 1497 (2020).

3
4 **SECOND CAUSE OF ACTION**

5 **LANHAM ACT TRADEMARK INFRINGEMENT**

6 **(15 U.S.C. §§ 1114, 1125(a))**

7 **(Against All Counterclaim-Defendants)**

8 267. The Ravine Parties incorporate by reference, as though fully set forth herein, the
9 allegations of the preceding paragraphs of this Counterclaim.

10 268. The Open AI Mark is a valid and protectable trademark. Indeed, as of August 1,
11 2017, Ravine became the rightful owner of a registered trademark issued by the United States
12 Patent and Trademark Office (“USPTO”) on the PTO’s Supplemental Register, Reg. No.
13 5,258,002. A true and correct copy of the registration certificate is attached as Exhibit 2. On June
14 30, 2023, Ravine assigned the entirety of his interests in the Open AI Mark to Open Artificial
15 Intelligence Inc. A true and correct copy of the Trademark Registration Assignment is attached as
16 Exhibit 3.

17 269. As set forth herein, the Ravine Parties have continuously used the Open AI Mark in
18 interstate commerce since at least March 25, 2015.

19 270. Courts in the Ninth Circuit recognize “two theories of consumer confusion that
20 support a claim of trademark infringement: forward confusion and reverse confusion.”
21 *Marketquest Grp., Inc. v. BIC Corp.*, 862 F.3d 927, 932 (9th Cir. 2017). While “[f]orward
confusion occurs when consumers believe that goods bearing the junior mark came from, or were
sponsored by, the senior mark holder,” in contrast, “reverse confusion occurs when consumers
dealing with the senior mark holder believe that they are doing business with the junior one.” *Id.*
(quoting *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 630 (9th Cir. 2005)). “The

1 concern with reverse confusion is not a question of palming off, since neither junior nor senior
2 user wishes to siphon off the other’s goodwill, but rather that the small senior user [will lose]
3 control over its identity in the rising tide of publicity associated with the junior mark.” *Lodestar*
4 *Anstalt v. Bacardi & Co. Ltd.*, 31 F.4th 1228, 1252 (9th Cir.), cert. denied sub nom. *Anstalt v.*
5 *Bacardi & Co. Ltd.*, 143 S. Ct. 428 (2022) (citations omitted); *see also Cohn v. Petsmart, Inc.*, 281
6 F.3d 837, 841 (9th Cir. 2002) (“[T]he smaller senior user” in a reverse confusion case “seeks to
7 protect its business identity from being overwhelmed by a larger junior user who has saturated the
8 market with publicity.”).

8 271. The Counterclaim-Defendants’ willful actions as described and alleged above
9 constitute an infringing use in interstate commerce of a reproduction, counterfeit, copy, or
10 colorable imitation of the Ravine Parties’ federally registered Open AI Mark, and a false
11 designation of origin, by using, in commerce, without the Ravine Parties’ authorization or
12 permission, the confusingly similar Infringing Mark, and Counterclaim-Defendants’ sale, offering
13 for sale, providing, or advertising of products and services under the Infringing Mark is likely to
14 cause, and has caused, confusion or mistake and deceived the public in violation of 15 U.S.C. §
15 1114, constituting trademark infringement under Section 32 of the Lanham Act.

15 272. The use of the Infringing Mark as described and alleged above enables these
16 infringers to trade on and receive the benefit and goodwill of the Open AI Mark which the Ravine
17 Parties had built up. The use of the Infringing Mark also prevents the Ravine Parties from
18 controlling the identity, goodwill, credibility, and goals associated with the Open AI Mark.

18 273. The Counterclaim-Defendants’ infringement has been willful and in bad faith, in
19 that they had actual knowledge of the Open AI Mark, the Ravine Parties’ prior use of the Open AI
20 Mark, and the registration of the Open AI Mark. Accordingly, this an exceptional case within the
21 meaning of 15 U.S.C. § 1117(a).

1 274. By reason of and as a direct and proximate cause of the Counterclaim-Defendants'
2 infringing activities, the Ravine Parties have been suffering and will continue to suffer substantial
3 and irreparable injury, including to their reputation and credibility, resulting in lost opportunities,
4 diminished goodwill, and harm to their ability to expand and achieve their plans and goals for the
5 development, use, and future of AI. Each of the Counterclaim-Defendants, by virtue of their
6 knowing and active participation in the conduct described herein, are jointly and severally liable
7 for the injury to the Ravine Parties.

8 275. The Ravine Parties have no adequate remedy at law because its Open AI Mark and
9 name are unique and represent to the public Open AI's identity, reputation, and goodwill, such that
10 monetary damages alone cannot fully compensate the Ravine Parties for the
11 Counterclaim-Defendants' willful misconduct and infringement.

12 276. Unless permanently enjoined by this Court, the Counterclaim-Defendants will
13 continue to infringe upon the Open AI Mark and name, causing irreparable injury to the Ravine
14 Parties. This present and future threat of injury to Open AI's business and property interests,
15 identity, goodwill, credibility, and reputation requires the grant of permanent and comprehensive
16 injunctive relief to prevent the Counterclaim-Defendants' continued willful and open unlawful use
17 and infringement of the Open AI Mark and name and to address and mitigate the Ravine Parties'
18 significant injury.

19 277. In addition to the imposition of permanent injunctive relief, the Ravine Parties are
20 entitled to monetary damages pursuant to 15 U.S.C. § 1117(a), including, but not limited to,
21 disgorgement of the Counterclaim-Defendants' profits, a reasonable royalty for the use of the
Open AI Mark, loss of goodwill and value in the Open AI Mark, and costs of suit, in amounts to
be determined at trial. *See Romag Fasteners, Inc v. Fossil, Inc.*, 140 S. Ct. 1492, 1497 (2020).

1 **THIRD CAUSE OF ACTION**

2 **CANCELLATION OF APPLICATIONS FOR REGISTRATION**

3 **(15 U.S.C. § 1119)**

4 **(Against Counterclaim-Defendant OpenAI, Inc.)**

5 278. The Ravine Parties incorporate by reference, as though fully set forth herein, the
6 allegations of the preceding paragraphs of this Counterclaim.

7 279. As set forth herein, the Infringing Mark is impermissibly misdescriptive insofar as
8 it suggests that the products and services sold under the Infringing Mark are open to the public, in
9 violation of Section 2(a) of the Lanham Act. 15 U.S.C. §1052(e)(1).

10 280. The Infringing Mark both misdescribes the goods and services to which it applies,
11 and consumers are likely to believe the misdescription. In Re Phillips-Van Heusen Corp., 63
12 U.S.P.Q.2d 1047 (T.T.A.B. 2002).

13 281. District courts have the authority to cancel or otherwise decide disputes over
14 trademark applications. See BBK Tobacco & Foods LLP v. Cent. Coast Agric., Inc., 97 F.4th 668,
15 670 (9th Cir. 2024) (“The plain language of § 1119 thus grants a district court jurisdiction to
16 consider challenges to the trademark applications of a party to the action if the action involves a
17 registered trademark.”).

18 282. The Ravine Parties will be damaged by the registration of the Infringing Mark, and
19 thus hereby petitions to cancel the pending applications to register “OpenAI” on the Principal
20 Register, Ser. No. 97/238,896 (filed Jan. 26, 2022) and Ser. No. 98/010,861 (filed May 24, 2023).

21 **FOURTH CAUSE OF ACTION**

CALIFORNIA COMMON LAW TRADEMARK INFRINGEMENT

(Against All Counterclaim-Defendants)

283. The Ravine Parties incorporate by reference, as though fully set forth herein, the
allegations of the preceding paragraphs of this Counterclaim.

1 284. The Court has jurisdiction over this Cause of Action based on supplemental
2 jurisdiction pursuant to 28 U.S.C. § 1367.

3 285. The Ravine Parties have continuously used the Open AI Mark in commerce since
4 March 2015.

5 286. The Counterclaim-Defendants' willful actions as described and alleged above
6 constitute an infringement of the Ravine Parties' common law trademark rights to the Open AI
7 Mark and name under the laws of the State of California.

8 287. By using, in commerce, without the Ravine Parties' authorization or permission,
9 the confusingly similar Infringing Mark, and Counterclaim-Defendants' sale, offering for sale,
10 providing, or advertising of products and services under the Infringing Mark is likely to cause, and
11 has caused, confusion or mistake and deceived the public.

12 288. By reason of and as a direct and proximate cause of the Counterclaim-Defendants'
13 willful infringing activities and misconduct, the Ravine Parties have been suffering, and will
14 continue to suffer, substantial and irreparable injury, including to their reputation and credibility,
15 resulting in lost opportunities, diminished goodwill, and harm to their ability to expand and
16 achieve their plans and goals for the development, use, and future of AI. Each of the
17 Counterclaim-Defendants, by virtue of their knowing and active participation in the conduct
18 described herein, are jointly and severally liable for the injury to the Ravine Parties.

19 289. The Ravine Parties have no adequate remedy at law because its Open AI Mark and
20 name are unique and represent to the public Open AI's identity, reputation, credibility, and
21 goodwill, such that monetary damages alone cannot fully compensate the Ravine Parties for the
Counterclaim-Defendants' willful infringement and misconduct.

 290. Unless permanently enjoined by this Court, the Counterclaim-Defendants will
continue to infringe upon the Open AI Mark and name, causing irreparable injury to the Ravine

1 Parties. This present and future threat of injury to Open AI's business, identity, goodwill,
2 credibility, and reputation requires the imposition of permanent and comprehensive injunctive
3 relief to prevent the Counterclaim-Defendants' continued unauthorized use and infringement of
4 the Open AI Mark and name and to address and mitigate the Ravine Parties' injury.

5 291. In addition to the imposition of permanent injunctive relief, the Ravine Parties are
6 entitled to monetary damages, in an amount to be determined at trial, for injuries suffered as a
7 result of the Counterclaim-Defendants' infringement.

8 **FIFTH CAUSE OF ACTION**

9 **FALSE ADVERTISING**

10 **(Cal. Bus. & Prof. Code § 17500)**

11 **(Against All Counterclaim-Defendants)**

12 292. The Ravine Parties incorporate by reference, as though fully set forth herein, the
13 allegations of the preceding paragraphs of this Counterclaim.

14 293. The Court has jurisdiction over this Cause of Action based on supplemental
15 jurisdiction pursuant to 28 U.S.C. § 1367.

16 294. On December 8, 2015, OpenAI filed its Certificate of Incorporation with the state
17 of Delaware. The Certificate of Incorporation stated that the purpose of the nonprofit corporation
18 was "to provide funding for research, development and distribution of technology related to
19 artificial intelligence. The resulting technology will benefit the public and the corporation will
20 seek to open-source technology... The corporation is not organized for the private gain of any
21 purpose."

22 295. As set forth more fully above, OpenAI, Inc. made several public announcements
regarding its intentions as a non-profit artificial intelligence company. For example, in a December
15, 2015, introductory statement partly attributed to Brockman, OpenAI, Inc. claimed the

1 company was designed “to benefit humanity as a whole, unconstrained by a need to generate
2 financial return” and that, because its research would be “free from financial obligations, [it could]
3 better focus on a positive human impact.”³⁸ It further stated that its “[r]esearchers w[ould] be
4 strongly encouraged to publish their work”; that its patents would “be shared with the world”; that
5 it would “freely collaborate with others across many institutions” and expected “to work with
6 companies to research and deploy new technologies.”

6 296. The December 11, 2015, announcement further stated that “fund[er]s ha[d]
7 committed \$1 billion” in donations to support OpenAI, Inc. On information and belief, the
8 Counterclaim-Defendants knew, or should have known, this statement was untrue at the time it
9 was made.

10 297. At the same time, the Ravine Parties were in discussions to raise up to \$100 million
11 to create Open AI for the benefit of humanity. However, on information and belief, the
12 Counterclaim-Defendants’ false representations diverted funds from the Ravine Parties’ Open AI
13 to the Counterclaim-Defendants’ OpenAI, Inc. Also, in and around 2015, the Ravine Parties
14 believed Counterclaim-Defendants’ public assurances that they were pursuing AGI for the benefit
15 of humanity; indeed, the Ravine Parties had no reason to believe Counterclaim-Defendants’
16 representations were in fact false at this time.

17 298. As set forth above, the Counterclaim-Defendants continued to make public
18 statements suggesting that their OpenAI project would continue to remain an open-source,
19 non-profit endeavor and that its technology would continue to be shared with the world. On
20 information and belief, they knew, or should have known, these statements were false and untrue.

21 299. In January 2018, researchers at OpenAI, Inc. released the “Generative Pre-Trained
Transformer” model (“GPT”), along with its source code and a detailed paper describing the

³⁸ Greg Brockman, *et al.*, *Introducing OpenAI* (Dec. 11, 2015),
<https://openai.com/blog/introducing-openai>.

1 model, which allowed others to build upon it. In 2019, researchers at OpenAI, Inc. released
2 GPT-2, along with source code and a paper describing the second-generation model. In 2020,
3 researchers at OpenAI, Inc. released GPT-3, once again accompanied by a research paper
4 describing its implementation so that others could build upon it.

5 300. On or around March 14, 2023, OpenAI, Inc. released GPT-4. On information and
6 belief, the design of GPT-4 was kept and remains a complete secret to everyone except to the
7 Counterclaim-Defendant and Microsoft. Indeed, there was no research paper or scientific
8 publication accompanying the release of this iteration of the model. With the release of GPT-4, it
9 became clear that OpenAI, Inc. no longer intended to honor its prior commitments to develop the
10 technology in an open manner beneficial to all of humanity.

11 301. On information and belief, this switch to operating in secrecy was done for
12 commercial reasons, in an attempt to maximize profits for Microsoft.

13 302. The reinstatement of Counterclaim-Defendant Altman as CEO in November 2023
14 and the replacement of the majority of OpenAI, Inc.'s Board of Directors, including the only two
15 independent female directors, made clear that OpenAI, Inc. did not intend to honor its
16 commitment to develop the technology in an open manner beneficial to all of humanity and,
17 instead, revealed the Counterclaim-Defendants' new focus on profits.

18 303. OpenAI, Inc. openly admits that its "current AI research builds upon a wealth of
19 previous projects and advances."³⁹ On information and belief, this research was largely performed
20 by individuals who believed OpenAI, Inc.'s promises that its work was for the benefit of humanity
21 and not for profit. Nevertheless, OpenAI, Inc. and its agents and partners used these open-source
contributions to build GPT-4, which is now effectively property belonging to Microsoft and is no
longer a project intended to benefit all humanity.

³⁹ <https://openai.com/research/overview>.

1 304. On information and belief, OpenAI, Inc. is now secretly working on development
2 of a new model known as Q*. Such a secretive approach likewise departs from Open AI's
3 representations that all work would be performed and shared openly for the benefit of humanity.

4 305. As set forth more fully above, the Ravine Parties relied on these false and
5 misleading statements to their detriment. Specifically, Ravine was in the process of procuring
6 significant investments for his Open AI project, including advanced discussions to raise up to
7 \$100 million to create Open AI for the benefit of humanity, but, in reliance on Counterclaim
8 Defendants' public assurances that Counterclaim-Defendants were pursuing AGI for the benefit of
9 humanity, the Ravine Parties elected not to proceed at that time.

10 306. As a result of Counterclaim Defendants' false statements, the Ravine Parties
11 suffered actual injuries, in an amount to be proven at trial.

12 307. As alleged above, Counterclaim Defendants made numerous false statements
13 between 2015 and 2023 regarding OpenAI, Inc.'s goal to benefit humanity and conduct and share
14 research openly. The Ravine Parties reasonably relied on the truthfulness of these statements,
15 which were not revealed as false, misleading, and/or deceptive until 2023.

16 **SIXTH CAUSE OF ACTION**

17 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF TRADEMARK**
18 **UNDER THE LANHAM ACT**

19 **(15 U.S.C. § 1125(a))**

20 **(Against Counterclaim-Defendant OpenAI, Inc.)**

21 308. The Ravine Parties incorporate by reference, as though fully set forth herein, the
allegations of the preceding paragraphs of this Counterclaim.

1 309. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, the Court is
2 authorized to “declare the rights and other legal relations of any interested party seeking such
3 declaration, whether or not further relief is or could be sought.”

4 310. As a result of the acts described herein, there exists a controversy of sufficient
5 immediacy and reality to warrant the entry of a declaratory judgment that the Ravine Parties have
6 not infringed and are not infringing Counterclaim-Defendant OpenAI, Inc.’s alleged trademark
7 rights in the Infringing Mark because they hold trademark rights that are senior to any purported
8 trademark rights of Counterclaim-Defendant OpenAI, Inc.

9 311. A judicial declaration is necessary and appropriate so that the Ravine Parties may
10 ascertain their right to continue using the Open AI Mark in the manner set forth in this
11 Counterclaim.

12 312. Accordingly, the Ravine Parties are entitled to declaratory judgment that their use
13 of the Open AI Mark does not infringe, either directly or indirectly, any trademark rights of
14 Counterclaim-Defendant OpenAI, Inc. under 15 U.S.C. § 1114(1) or 15 U.S.C. § 1125(a), and that
15 the Ravine Parties are not liable for any damages or other relief.

16 **SEVENTH CAUSE OF ACTION**

17 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF COMMON LAW**
18 **TRADEMARK**

19 **(Against Counterclaim-Defendant OpenAI, Inc.)**

20 313. The Ravine Parties incorporate by reference, as though fully set forth herein, the
21 allegations of the preceding paragraphs of this Counterclaim.

314. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, the Court is
authorized to “declare the rights and other legal relations of any interested party seeking such
declaration, whether or not further relief is or could be sought.”

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315. As a result of the acts described herein, there exists a controversy of sufficient immediacy and reality to warrant the entry of a declaratory judgment that the Ravine Parties have not engaged in any conduct that constitutes common law trademark infringement under the laws of the State of California.

316. A judicial declaration is necessary and appropriate so that the Ravine Parties may ascertain their right to continue using the Open AI Mark in the manner set forth in this Counterclaim.

317. Accordingly, the Ravine Parties are entitled to a declaratory judgment that they have not violated and are not infringing any trademarks under the laws of the State of California and are not liable for any damages or other relief.

EIGHTH CAUSE OF ACTION
DECLARATORY JUDGMENT OF OWNERSHIP OF OPEN AI MARK
(Against Counterclaim-Defendant OpenAI, Inc.)

318. The Ravine Parties incorporate by reference, as though fully set forth herein, the allegations of the preceding paragraphs of this Counterclaim.

319. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, the Court is authorized to “declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought.”

320. As a result of the acts described herein, there exists a controversy of sufficient immediacy and reality to warrant the entry of a declaratory judgment that the Ravine Parties are the true and rightful owners of the Open AI Mark and are entitled to trademark protection from the use of any confusingly similar mark or name in commerce, including but not limited to the Infringing Mark.

1 321. A judicial declaration is necessary and appropriate so that the Ravine Parties may
2 ascertain their right to continue using the Open AI Mark in the manner set forth in this
3 Counterclaim.

4 322. Accordingly, the Ravine Parties are entitled to a declaratory judgment that Open
5 Artificial Intelligence, Inc. is the true and rightful owners of trademark rights for the Open AI
6 Mark.

7 **NINTH CAUSE OF ACTION**

8 **DECLARATORY JUDGMENT OF TRADEMARK INVALIDITY**

9 **(Against Counterclaim-Defendant OpenAI, Inc.)**

10 323. The Ravine Parties incorporate by reference, as though fully set forth herein, the
11 allegations of the preceding paragraphs of this Counterclaim.

12 324. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, the Court is
13 authorized to “declare the rights and other legal relations of any interested party seeking such
14 declaration, whether or not further relief is or could be sought.”

15 325. As a result of the acts described herein, there exists a controversy of sufficient
16 immediacy and reality to warrant the entry of a declaratory judgment that Counterclaim Defendant
17 OpenAI, Inc. owns no valid trademark rights in the Infringing Mark, as the mark is impermissibly
18 misdescriptive insofar as it suggests that the products and services sold under the Infringing Mark
19 are open to the public, in violation of Section 2(a) of the Lanham Act. 15 U.S.C. §1052(e)(1).

20 326. The Infringing Mark both misdescribes the goods and services to which it applies,
21 and consumers are likely to believe the misdescription. *In Re Phillips-Van Heusen Corp.*, 63
U.S.P.Q.2d 1047 (T.T.A.B. 2002).

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- 8. A declaratory judgment stating that the Ravine Parties have not, and are not infringing, either directly or indirectly, any valid and enforceable trademark rights of Counterclaim-Defendant OpenAI, Inc. under California law;
- 9. A declaratory judgment adjudging that Counterclaimant Open Artificial Intelligence, Inc. is the true and rightful owner of the Open AI Mark;
- 10. A declaratory judgment adjudging that Counterclaim-Defendants own no valid trademark rights in the Infringing Mark, as the mark is impermissibly misdescriptive;
- 11. An Order cancelling OpenAI, Inc.’s pending applications with the USPTO to register “OpenAI” on the Principal Register, Ser. No. 97/238,896 (filed Jan. 26, 2022) and Ser. No. 98/010,861 (filed May 24, 2023).
- 12. An Order awarding the Ravine Parties their reasonable attorneys’ fees/costs as provided by statute;
- 13. Prejudgment and postjudgment interest as provided by law at the maximum interest rate; and
- 14. For such other and further relief as the Court deems just and proper.

DATED: April 30, 2024

WAYMAKER LLP

By: /S/ Ryan G. Baker
RYAN G. BAKER

Attorneys for Guy Ravine and Open Artificial Intelligence, Inc.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Civil Rule 3-6, Counterclaimants Guy Ravine and Open Artificial Intelligence, Inc. hereby request a trial by jury as to all issues and claims in this action, which are subject to adjudication by a jury.

DATED: April 30, 2024

WAYMAKER LLP

By: /S/ Ryan G. Baker
RYAN G. BAKER

Attorneys for Guy Ravine and Open Artificial Intelligence, Inc.