

October 2, 2024

**Via Email**

Aravind Srinivas  
CEO  
Perplexity AI, Inc.  
575 Market Street  
San Francisco, CA 94105  
aravind@perplexity.ai

Re: Your Unlawful Use of New York Times Content

Dear Mr. Srinivas:

We represent The New York Times Company (“The Times”) and write to follow up on your correspondence with Diane Brayton regarding Perplexity AI, Inc.’s (“Perplexity’s”) egregious and ongoing violation of The Times’s intellectual property rights.

As you know, The Times has continuously registered its daily newspaper with the U.S. Copyright Office for nearly 100 years and regularly licenses its copyrighted content for commercial use by third parties. You have not disputed that Perplexity copied these protected works without permission and used them to create summaries and other output, which we view as clearly substitutive of our protected works.

Your statements that “Perplexity is not currently engaged in the training of any foundational large language models” and that Perplexity “does not use crawled content from the New York Times or elsewhere to finetune foundation models trained by others” fail to address our concerns. Perplexity’s ongoing use of The Times’s content for Retrieval Augmented Generation (“RAG”) — which your letter does not mention — violates The Times’s exclusive rights of reproduction, display and distribution under copyright law, including by generating output that displays unauthorized copies and derivatives of The Times’s journalism. We demand that you immediately comply with

E. Anthony Figg  
George R. Repper  
Steven Lieberman  
Joseph A. Hynds  
Martin M. Zoltick  
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Rachel M. Echols  
Daniel L. Shores  
Brett A. Postal  
Aydin H. Harston, Ph.D.  
Jennifer B. Maisel

\*Not a member of the D.C. Bar. Practice limited to patent, trademark and copyright matters and cases in federal courts.

901 New York Avenue, N.W.  
Suite 900 East  
Washington, DC 20001

Telephone (202) 783-6040  
Facsimile (202) 783-6031  
www.rothwellfigg.com  
info@rothwellfigg.com

Offices in Washington, D.C. | New York | Boston

G. Franklin R  
(1928-2011)

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Jeffrey A. Lind  
Monica Chin H  
Mark T. Rawls  
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C. Mathis Bra  
Paul S. Macri  
An Nguyen  
James T. Paw

Of Counsel  
Harry F. Mant  
Jane F. Colle  
James R. Has  
Mitchell E. Ra

our earlier requests to disclose details about Perplexity's access to The Times's content, including how much of The Times's content Perplexity has accessed and how often it has done so for this or any other purpose.

As you know, The Times has taken proactive steps to cut off Perplexity's access to its website and prevent its unlawful copying, including disallowing your web crawler, PerplexityBot, in The Times's robots.txt file in February and hard-blocking the bot (*i.e.*, preventing the Perplexity user agent from accessing our website) in April. And despite your assertion that Perplexity has stopped using third-party crawlers that ignore robots.txt files, The Times's content continues to appear (as recently as today) in Perplexity. Please tell us the precise means through which Perplexity is obtaining The Times's content, including the identities of any third parties and crawlers Perplexity has used to access and/or copy our content. We also request that you provide details as to your access to our content through any third-party search indices, including Microsoft's Bing Search Index.

Any use of The Times's content in connection with Perplexity's generative AI products also violates other legal rights of The Times. First, The Times's Terms of Service<sup>1</sup> ("Terms") prohibit the scraping of content from its site and the use of Times content in connection with the operation of AI systems without our prior authorization. The Times has not authorized Perplexity to copy or otherwise use its content, nor has it authorized any third party to use its content in connection with a generative AI product. Second, The Times's Terms prohibit the use of tools that circumvent The Times's paywall and other measures that control access to our sites — including The Times's robots.txt file or blocks of certain bots. Third, Perplexity and its business partners have been unjustly enriched by using, without authorization, The Times's expressive, carefully written and researched, and edited journalism without a license.

For these reasons, and consistent with The Times's prior letters, The Times demands that Perplexity:

- (1) Immediately cease and desist all current and future unauthorized access and use of The Times's content; and
- (2) Respond to this letter, in writing, no later than October 30, 2024, providing the requested information and setting forth your determination to comply with the demands made herein.

In addition, we are putting you on notice of your legal obligation to preserve all documents related to your unlawful use of Times content and the activities described herein, including records of any communications concerning The Times's content

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<sup>1</sup> <https://help.nytimes.com/hc/en-us/articles/115014893428-Terms-of-Service>.

(including emails, chats, texts, and other documents and communications) that may be relevant to the claims or defenses involved in this dispute. These preservation obligations extend to, but are not limited to, the following categories of information:

- All of Perplexity's bots and crawlers, including when those bots and crawlers were in operation, how those bots and crawlers accessed The Times's sites, and adherence of those bots and crawlers to robots.txt or metatags directives;
- Perplexity's use of third-party tools, databases, search indices, or other services or components to access and copy The Times's content, including any agreements or communications with such third-parties;
- All session data and logs for end-user engagement with Perplexity's products, including prompts and outputs, materials referenced in generating outputs, click-through rates, and other analytics;
- Perplexity's products, services, and models, including their underlying components, such as training data;
- Perplexity's number of users and the frequency with which they were delivered content derived from The Times;
- Perplexity's business model and plans to monetize its products, including future financial projections;
- Perplexity's attempts to license copyrighted content for use with its products; and
- Perplexity's knowledge of its unauthorized access to and use of The Times's content.

Please confirm, in your response to this letter, that you will strictly comply with this demand, too.

This letter does not constitute a full statement of relevant facts or a waiver of any of The Times's rights, remedies, and defenses, all of which are expressly reserved.

Very truly yours,

Steven Lieberman

CC: Jennifer Maisel, Esq.