[Counsel on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CONCORD MUSIC GROUP, INC., ET AL.

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 3:24-cv-03811-JSC

JOINT ADMINISTRATIVE MOTION AND [PROPOSED] ORDER TO SUBMIT UPDATED BRIEFING REGARDING PLAINTIFFS' PRELIMINARY INJUNCTION MOTION AND SET STIPULATED BRIEFING SCHEDULE

Hon. Jacqueline Scott Corley

Pursuant to Civil L.R. 7-11, the Parties, having conferred, respectfully submit this Joint Administrative Motion. Following transfer of the case to this Court, Plaintiffs intend to update and renew their Motion for Preliminary Injunction, previously filed in the Middle District of Tennessee, to address caselaw relevant to this Court and Circuit and other intervening developments, so as to better assist the Court in adjudicating the motion. To the extent the Court finds such updated briefing helpful to its adjudication of Plaintiffs' renewed motion, Anthropic will also update and renew their Opposition to Plaintiffs' Motion for Preliminary Injunction originally filed in the Middle District of Tennessee. Accordingly, the Parties respectfully request that the Court adopt the same page limits for the Parties' briefing of Plaintiffs' Renewed Motion for Preliminary Injunction ("Renewed PI Motion") as applied to the Parties' original briefing, and set the agreed-upon briefing schedules for Plaintiffs' Renewed PI Motion. The Parties separately respectfully request that the Court set the agreed-upon briefing schedule for Defendant's anticipated Motion to Dismiss for Failure to State a Claim ("Motion to Dismiss").

BACKGROUND

Plaintiffs (collectively, "Publishers")[1] previously filed a Motion for Preliminary Injunction while this case was pending in the Middle District of Tennessee. ECF No. 40. That motion was fully briefed as of February 14, 2024 and remains pending. ECF No. 92. The U.S. District Court for the Middle District of Tennessee subsequently granted Anthropic's motion to dismiss for lack of personal jurisdiction and transferred the case to this Court in the Northern District of California, ECF No. 124, without ruling on the Motion for Preliminary Injunction. In light of the case's transfer from the Middle District of Tennessee to this Court, the Parties propose updating their briefing in connection with the Motion for Preliminary Injunction to address relevant and controlling case law from this Court and Circuit as well as other intervening developments.

Separately, Anthropic intends to file a Motion to Dismiss Publishers' non-direct infringement claims, which Publishers intend to oppose.

MOTION AND STIPULATIONS

A. Expanded Page Limits for Renewed PI Motion Briefing

Subject to the Court's approval, the Parties stipulate to and request the enlargement of the page limits provided under L.R. 7-2(b) and 7-3(a) for Publishers' Updated Memorandum in Support of the Renewed PI Motion and Anthropic's Updated Opposition to the Renewed PI Motion. The agreed-upon page limits are as follows:

- Publishers' Updated Memorandum in Support of Renewed PI Motion: 30 pages
- Anthropic's Updated Opposition to Renewed PI Motion: 30 pages

The Parties' request for five additional pages for their opening and opposition briefs, respectively, will ensure that the Parties can adequately address the factual and legal arguments that will arise, including the factors considered in connection with preliminary injunctions, namely, Publishers' likelihood of success on the merits (including a consideration of applicable affirmative defenses), Publishers' ability to establish irreparable harm, the balance of the equities, and the

[1] Plaintiffs are Concord Music Group, Inc. ("Concord"); Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music - MGB NA LLC, Polygram Publishing, Inc., Universal Music - Z Tunes LLC (collectively, "Universal"); and ABKCO Music, Inc ("ABKCO").

public interest. The Parties submit the modest enlargement of page limits will be to the Court's benefit and facilitate the efficient and expeditious disposition of the Renewed PI Motion. The requested page limits are the same as the page limits for the prior briefing of this motion in the Middle District of Tennessee, which the Parties will be updating.

The Parties do not request an enlargement of the 15-page limit provided under L.R. 7-3(c) for Publishers' Updated Reply in Support of Renewed PI Motion.

B. Stipulated Briefing Schedules

Subject to the Court's approval, the Parties stipulate to the proposed briefing schedule for the Renewed PI Motion and Anthropic's Motion to Dismiss as follows:

Publishers' Renewed PI Motion	
Publishers' Renewed PI Motion	Aug. 1, 2024
Anthropic's Opposition to Renewed PI Motion	Aug. 22, 2024
Publishers' Reply in Support of Renewed PI Motion	Sept. 12, 2024

Anthropic's Motion to Dismiss[2]	
Anthropic's Motion to Dismiss	Aug. 15, 2024
Publishers' Opposition to Motion to Dismiss	Sept. 5, 2024
Anthropic's Reply in Support of Motion to Dismiss	Sept. 17, 2024

The Parties submit that the proposed briefing schedule will allow the Parties to adequately raise the key arguments in each of the motions in a timely, concurrent manner while allowing both the Court and the Parties sufficient time to consider and address opposing arguments, thereby promoting the efficient resolution of these issues without undue delay.

[2] The Parties disagree as to the timing of when Anthropic must file its Answer relative to the Motion to Dismiss. The Parties' proposed schedule for Anthropic's Motion to Dismiss is subject to the Parties' agreement that they will set forth their respective positions as to the timing of when Anthropic must file its Answer in the Joint Case Management Statement to be filed in advance of the Initial Case Management Conference set for August 15, 2024, and that Anthropic will be prepared to file its answer on August 15, 2024, subject to the Court's guidance after the Parties submit their respective positions.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that the Court grant this Motion and enter the proposed order (1) expanding the page limits of the Parties' updated briefing of Plaintiffs' intended Renewed PI Motion, consistent with the page limits applicable to the Parties' prior briefing, and (2) setting the Parties' briefing schedule for the Renewed PI Motion and Defendant's intended Motion to Dismiss in accordance with the Parties' stipulation.

Dated: July 24, 2024

By: /s/ Timothy Chung

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Attorneys for Defendant

CIVIL L.R. 5-1(h)(3) SIGNATURE ATTESTATION

I hereby attest that the signatories of the foregoing document concur in the filing of the document and that I have been authorized to file the document on their behalf.

Dated: July 24, 2024

/s/ Timothy Chung
Timothy Chung

UNITED STATES DISTRICT COURT

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[PROPOSED] ORDER TO SUBMIT UPDATED BRIEFING REGARDING PLAINTIFFS' PRELIMINARY INJUNCTION MOTION AND SET STIPULATED BRIEFING SCHEDULE

Hon. Jacqueline Scott Corley

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

1. The Parties may file briefing for the Plaintiffs' Renewed Motion for Preliminary Injunction ("Renewed PI Motion") with the following expanded page limits, consistent with the page limits applicable to the Parties' prior briefing:

- Plaintiffs' Updated Memorandum in Support of Renewed PI Motion: 30 pages
- Defendant's Updated Opposition to Renewed PI Motion: 30 pages

2. The Parties will submit briefing for Plaintiffs' Renewed PI Motion and Defendant's Motion to Dismiss for Failure to State a Claim ("Motion to Dismiss") in accordance with the following stipulated briefing schedule:

Plaintiffs' Renewed PI Motion	
Plaintiffs' Renewed PI Motion	Aug. 1, 2024
Defendant's Opposition to Renewed PI Motion	Aug. 22, 2024
Plaintiffs' Reply in Support of Renewed PI Motion	Sept. 12, 2024

Defendant's Motion to Dismiss	
Defendant's Motion to Dismiss	Aug. 15, 2024
Plaintiffs' Opposition to Motion to Dismiss	Sept. 5, 2024
Defendant's Reply in Support of Motion to Dismiss	Sept. 17, 2024

Dated: _____

_____
HON. JACQUELINE SCOTT CORLEY
UNITED STATES DISTRICT JUDGE