LATHAM & WATKINS LLP
Joseph R. Wetzel (SBN 238008)
joe.wetzel@lw.com
Andrew M. Gass (SBN 259694)
andrew.gass@lw.com
Brittany N. Lovejoy (SBN 286813)
brittany.lovejoy@lw.com
505 Montgomery Street, Suite 2000
San Francisco, California 94111
Telephone: +1.415.391.0600

Sarang V. Damle (*pro hac vice*)
sy.damle@lw.com
555 Eleventh Street NW, Suite 1000
Washington, D.C. 20004
Telephone: +1.202.637.2200

Allison L. Stillman (*pro hac vice*)
alli.stillman@lw.com
1271 Avenue of the Americas
New York, New York 10020
Telephone: +1.212.906.1747

Attorneys for Defendant Anthropic PBC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

vs.

ANTHROPIC PBC,

Defendant.

Case No. 5:24-cv-03811-EKL

DECLARATION OF BRITTANY N. LOVEJOY IN SUPPORT OF ANTHROPIC'S OPPOSITION TO PLAINTIFFS' RENEWED MOTION FOR PRELIMINARY INJUNCTION

Hon. Eumi K. Lee

I, Brittany N. Lovejoy, declare the following:

1. I am a partner with the law firm of Latham & Watkins, LLP. I represent Defendant Anthropic PBC ("Anthropic") in the above-captioned matter.

2. I submit this declaration in support of Anthropic's Opposition to Plaintiffs' Renewed Motion for Preliminary Injunction. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, could and would testify competently thereto.

3. Attached as **Exhibit A** hereto is a true and correct copy of email communications between my partners Andrew Gass and Joe Wetzel and opposing counsel at Oppenheim + Zebrak, LLP between November 6, 2023 and January 16, 2024, which were subsequently forwarded to me.

4. Attached as **Exhibit B** hereto is a true and correct copy of Plaintiffs' Objections and Responses to Defendant's First Set of Requests for Admission (Nos. 1-15) dated April 22, 2024.

5. Attached as **Exhibit C** hereto is a true and correct copy of the Anthropic website homepage, available at https://www.anthropic.com/, as of August 21, 2024.

6. Attached as **Exhibit D** hereto is a true and correct copy of a webpage on Anthropic's website entitled "Making AI systems you can rely on," available at https://www.anthropic.com/company, as of August 21, 2024.

7. Attached as **Exhibit E** hereto is a true and correct copy of a webpage on Anthropic's website entitled "Meet Claude," available at https://www.anthropic.com/product, as of August 21, 2024.

8. Attached as **Exhibit F** hereto is a true and correct copy of an article written by Pamela Samuelson published on July 14, 2023 in Volume 381, Issue 6654 of SCIENCE, entitled "Generative AI Meets Copyright."

9. Attached as **Exhibit G** hereto is a true and correct copy of excerpts of Plaintiffs' Objections & Responses to Defendant's Second Set of Requests for Documents and Things (Nos. 23-99) dated April 22, 2024.

10. Attached as **Exhibit H** hereto is a true and correct copy of Plaintiffs' Objections & Responses to Defendant's First Set of Interrogatories (Nos. 1-3) dated April 22, 2024.

11. Plaintiffs have never provided a substantive response to Interrogatory No. 2, which Anthropic served on March 22, 2024, and which sought the identity of "all Persons other than [Plaintiffs] and their Agents that have extracted any portion of [Plaintiffs'] Asserted Works as an output via Claude or Claude-Based Services *prior to the filing of the Complaint*." Ex. H at 7 (emphasis added). During a discovery meet and confer on August 15, 2024, Plaintiffs' counsel stated for the first time that they would respond to Interrogatory No. 2. To date, Anthropic has not yet received that response, although the request on its face seeks information that was in Plaintiffs' possession as of the date the Complaint was filed (October 18, 2023).

I declare under penalty of perjury that to the best of my knowledge, information, and belief, the foregoing statements are true and correct.

Executed on August 22, 2024, at San Francisco.

/s/ Brittany N. Lovejoy
Brittany N. Lovejoy