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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-SVK

DECLARATION OF IVANA DUKANOVIC IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED (ECF NO. 340)

Hon. Eumi K. Lee
Magistrate Judge Susan van Keulen

I, Ivana Dukanovic, declare the following:

1. I am an associate at Latham & Watkins LLP and counsel of record for Defendant Anthropic PBC ("Anthropic") in this case. I have personal knowledge of the matters stated in this declaration, and if called as a witness, I could and would competently testify to them.

2. I submit this declaration in accordance with Civil Local Rules ("L.R.") 7-11(a) and 79-5(c) in support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Material Should Be Sealed (ECF No. 340) concerning portions of the Parties' Joint Discovery Submission Regarding Dispute as to Sampling Protocol to Address Publishers' RFP Nos. 50-51 ("Discovery Dispute Statement") (ECF No. 341) and the accompanying Declaration of Olivia Chen (ECF No. 341-2).

3. Pursuant to Local Rule 79-5(c), the following table identifies the portions of the Discovery Dispute Statement (the "Sealed Document") which contain highly confidential, nonpublic business and technical information. Good cause exists for protecting this competitively sensitive information from disclosure. *Philip ex rel. Ests. of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (courts have "broad latitude" to protect from disclosure materials "including, but not limited to, trade secrets or other confidential . . . information").

Document	Text to be Sealed	Basis for Sealing
Discovery Dispute Statement (ECF No. 340-2)	Highlighted portions at pages 1-2, 4-7, 10 .	Contains highly confidential nonpublic information relating to Anthropic's business practices and operations, including specific and sensitive metrics related to Claude usage, public disclosure of which would cause competitive harm to Anthropic.
Declaration of Olivia Chen (ECF No. 340-3)	Highlighted portions at ¶ 16 .	Contains highly confidential nonpublic information relating to Anthropic's business practices and operations, including specific and sensitive metrics related to Claude usage, public disclosure of which would cause competitive harm to Anthropic.

4. The Sealed Document contains highly confidential, nonpublic, and closely guarded information regarding Anthropic's business practices and operations, including specific and

sensitive information regarding the volume of prompt and output data and metrics related to Claude usage. Consistent with the practices of its competitors, Anthropic treats this information as highly confidential and does not disclose this information to the public. *Finisar Corp. v. Nistica, Inc.*, 2015 WL 3988132, at *4 (N.D. Cal. June 30, 2015) (finding good cause to seal "confidential product and business information which is not intended for public disclosure"). Metrics regarding Claude usage, including but not limited to information about the number of prompts entered by Claude users during a given time period, is business-confidential, competitively sensitive information. *See N.Y. Times Co. v. OpenAI*, 23-cv-11195 (S.D.N.Y.), Dkt. 426 (sealing ChatGPT usage metrics (Dkt. 414)). Disclosing this proprietary information would give competitors and potential business partners unfair insights into Anthropic's business strategies relating to the relative importance of Anthropic's consumer and enterprise offerings or insights into its market share relative to competitors. *See In re Elec. Arts, Inc.*, 298 F. App'x 568, 569 (9th Cir. 2008) (sealing "business information that might harm a litigant's competitive standing"). This Court previously found good cause to seal similar information regarding volume of prompt and output data and responsiveness rates in briefing related to the same discovery dispute at issue here. ECF No. 319. Plaintiffs have presented no reason to deviate from the Court's initial ruling on this category of sensitive information.

5. Further, the confidentiality of Claude usage metrics is also pending before this Court as part of a separate discovery dispute regarding confidentiality designations. ECF No. 345 at 4-5, 9-10.

6. The public disclosure of the information described in Paragraph 3 would create a significant risk of competitive harm for Anthropic by allowing Anthropic's competitors in a rapidly developing AI market or potential business partners to obtain business-sensitive information about Claude usage that they would not otherwise have access to. Such harm could not be avoided by less restrictive means than the narrowly tailored sealing of these documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2025, at San Francisco, California.

/s/ Ivana Dukanovic
Ivana Dukanovic