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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 5:24-cv-03811-EKL-SVK

PLAINTIFFS' STATEMENT PURSUANT TO MAY 13, 2025 ORDER (ECF NO. 365)

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

Pursuant to Magistrate Judge van Keulen's May 13, 2025 Order, ECF No. 365, which ordered Plaintiffs ("Publishers") to provide certain information regarding their production to Defendant Anthropic PBC ("Anthropic") of Claude prompts and output from Publishers' legal investigation on which they rely, Publishers hereby submit the following Statement providing the required information.

As noted in Publishers' portion of the Parties' Joint Dispute Statement, Publishers have already produced to Anthropic "all [Publishers'] Claude prompts and output cited in the [original] Complaint and Motion for Preliminary Injunction, including prompts and output for all 500 Works in Suit,"[1] ECF No. 328 at 5, as well as all Publishers' Claude prompts and output identified in Exhibit B to the First Amended Complaint. In addition, Publishers have also produced to Anthropic various additional Claude prompts and output from Publishers' investigation on which they have relied to date, as detailed below. While Publishers have already produced to Anthropic these Claude prompts and output from their investigation on which they have relied, the Anthropic discovery requests at issue in the Joint Dispute Statement seek the Claude prompts and output from Publishers' investigation on which Publishers have ***not*** relied. *See id.* at 5-6, 8-9. Publishers object to these discovery requests, for the reasons described in the Joint Dispute Statement. *See id.*

Per the Court's order, ECF No. 365, Publishers provide the following additional information regarding their production of these Claude prompts and output, based on their review of their production records and various filings to date:[2]

1. The number of Claude prompts and output from Publishers' investigation on which they have relied: Publishers have produced all Claude prompts and output from their investigation on which they have relied to date. In total, Publishers have produced approximately 4,659 Claude prompt/output records (each containing a given prompt and the corresponding Claude output).

[1] Since the filing of the Joint Dispute Statement, Publishers have filed a First Amended Complaint with an amended list of 499 Works in Suit, removing one work from the previous list of Works in Suit. *See* ECF Nos. 337-1, 337-4.

[2] Publishers' counsel is continuing to review the production records and various filings to date, in response to the Court's order. Publishers provide the information and figures herein based on their review to date. Publishers will notify the Court if there is any material change to this information or these figures based on their further review.

This figure includes at least one unique Claude prompt/output record for each of the Works in Suit as well as additional unique records, but also includes some duplicate records (including records produced in more than one file format).

2. How and when these Claude prompts and output were produced: Publishers formally produced to Anthropic and/or filed on the public docket these Claude prompts and output beginning on October 18, 2023 (when Publishers filed their original Complaint, ECF No. 1) and continuing through April 25, 2025 (when Publishers filed their First Amended Complaint and corresponding Exhibit B, ECF Nos. 337, 337-2). Publishers' formal productions include the following:

- On January 8, 2024, Publishers produced to Anthropic approximately 2,605 total Claude prompt/output records from their investigation (as part of Publishers' productions Plaintiffs_PROD001, ABKCO_PROD001, CONCORD_PROD001, and UMPG_PROD001). These productions included, for example, the Claude prompts and output from Publishers' investigation previously included in the body of Publishers' Complaint (ECF No. 1), Exhibits to the Declaration of Dan Seymour in Support of Publishers' Motion for Preliminary Injunction (ECF No. 49), and Exhibits to the Declaration of Dr. Robert Leonard in Support of Publishers' Motion for Preliminary Injunction (ECF No. 50), as well as the Claude prompts and output from Publishers' investigation subsequently included in Exhibit B to Publishers' First Amended Complaint (ECF No. 337-2), and additional Claude prompts and output from Publishers' investigation relating to Publishers' Works in Suit relied on by Publishers.

- On January 14, 2024, Publishers produced to Anthropic approximately 1,896 total Claude prompt/output records from their investigation (as part of Publishers' productions Plaintiffs_PROD002 and UMPG_PROD002) relating to Publishers' Works in Suit relied on by Publishers. These productions included, for example, several Claude prompts and output from Publishers' investigation previously included in Exhibits to the Declaration of Dan Seymour in Support of Publishers' Motion for Preliminary Injunction (ECF No. 49).

- On February 12, 2024, Publishers produced to Anthropic 1 Claude prompt/output record from their investigation (as part of Publishers' production Plaintiffs_PROD003) relied on by Publishers.

- On November 20, 2024, Publishers produced to Anthropic approximately 77 total Claude prompt/output records from their investigation (as part of Publishers' production Plaintiffs_PROD005) relating to Publishers' Works in Suit relied on by Publishers.

- On January 7, 2025, Publishers produced to Anthropic approximately 25 total Claude prompt/output records from their investigation (as part of Publishers' production Plaintiffs_PROD006) relating to Publishers' Works in Suit relied on by Publishers.

In addition to the formal productions above, Publishers have also included additional Claude prompts and output from Publishers' investigation as part of various other filings on the public docket, including, for example, Exhibit A to the Declaration of Timothy Chung in Support of Publishers' Motion for Preliminary Injunction (ECF No. 48-1), Exhibits 1-50 to the Declaration of Michael Candore in Support of Publishers' Reply in Support of Preliminary Injunction (ECF Nos. 96-1 to 96-50), Exhibit B to the Declaration of Timothy Chung in Support of Publishers' Reply in Support of the Motion for Preliminary Injunction (ECF No. 93-2), and Exhibit A to the Declaration of Timothy Chung in Support of Publishers' Renewed Motion for Preliminary Injunction (ECF No. 180-1).

3. Whether these Claude prompts and output are those identified in Exhibit B to Publishers' First Amended Complaint or are elsewhere in the pleadings or discovery responses: As described in more detail above, these Claude prompts and output produced by Publishers to Anthropic include all Claude prompts and output identified in Exhibit B to Publishers' First Amended Complaint, ECF No. 337-2, as well as additional Claude prompts and output cited or relied upon elsewhere in Publishers' filings, and additional Claude prompts and output included in productions but not specifically cited in Publishers' filings.

Dated: May 14, 2025

Respectfully submitted,

/s/ Timothy Chung

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