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

DECLARATION OF NATALIE NAUGLE IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED (ECF NO. 410)

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I, Natalie Naugle, declare the following:

1. I am Litigation & Regulatory Counsel, Associate General Counsel at Defendant Anthropic PBC ("Anthropic"). 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 Local Rule 79-5(c) and 79-5(f) in support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Material Should Be Sealed (ECF No. 410) concerning portions of Plaintiffs' Proposed Second Amended Complaint (ECF No. 410-1), a redline of Plaintiffs' Proposed Second Amended Complaint (410-2), and a portion of Anthropic's Amended and Supplemental Response to Interrogatory No. 6 (ECF No. 410-3).

3. The redacted portions of ECF Nos. 410-1 and 410-2, and 410-3 contain quotes or summaries from documents designated as "Highly Confidential—Attorneys' Eyes Only" under the Stipulated Protective Order so-ordered by the Court on January 27, 2025 (ECF No. 293). I confirm that the redacted portions of these documents contain highly confidential, nonpublic Anthropic technical information.

4. Pursuant to Local Rule 79-5(c) and this Court's Civil Standing Order Section VII.D, the following table identifies the material that Anthropic seeks to seal.

ECF No.	Document	Portion(s) to Seal	Reason(s) for Sealing
410-1	Ex. A, [Proposed] Second Amended Complaint	Highlighted portions at pp. 23.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about sources of training dataset mixes and methods to obtain that data, public disclosure of which would cause competitive harm to Anthropic.
410-2	Ex. B, Redline of [Proposed] Second Amended Complaint	Highlighted portions at pp. 23.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about sources of training dataset mixes and methods to obtain that data, public disclosure of which would cause competitive harm to Anthropic.

410-3	Ex. D, Anthropic's Amended and Supplemental Responses to Interrogatories Nos. 4, 5, 6, 9, 10, 11, 12, & 13	Highlighted portion at p. 11.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about sources of training dataset mixes and methods to obtain that data, public disclosure of which would cause competitive harm to Anthropic.

5. Filing under seal is justified where there are "compelling reasons sufficient to outweigh the public's interest in disclosure," *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citation and quotation marks omitted), including where the information at-issue "might be used… 'as [a] source[] of business information that might harm a litigant's competitive standing,'" *Center for Auto Safety v. Chrysler Group, LLC,* 809 F.3d 1092, 1097 (9th Cir. 2016) (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)), or where disclosure "would result in an invasion of [a] third party's privacy," or cause a party to "suffer competitive harm[.]"[1] *Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at *3 (N.D. Cal. Mar. 4, 2015). Because compelling reasons support sealing here, Anthropic requests the Court maintain the below narrow redactions to ECF Nos. 410-1, 410-2, and 410-3 under seal.

6. I have reviewed ECF Nos. 410-1, 410-2, and 410-3 and each contains highly confidential information regarding Anthropic's technical practices, including specific details about the sources of data used to train its models, as well as the methods to obtain that data, which is proprietary information that is not accessible to the public. Training data is crucial to the development of generative AI assistants. Anthropic operates in the burgeoning and highly competitive generative AI industry, and information about specific sources, makeup of datasets, and methods of obtaining data would allow Anthropic's competitors to mimic the proprietary training process and dataset mixes that Anthropic uses to train its models. Accordingly, "details about the technical operation of a company product, such as source codes, internal documents, and other technical documents should remain

[1] While courts are split on whether a party must show "compelling reasons" or "need only demonstrate 'good cause'" to seal materials submitted in support of a motion to amend the pleadings, *Jones v. PGA Tour, Inc.*, 2023 WL 2167400, at *1 (N.D. Cal. Feb. 21, 2023) (citations omitted) (collecting cases), Anthropic assumes, for purposes of this motion, that the "compelling reasons" standard applies.

confidential and be sealed from the public." *Apex.AI, Inc. v. Langmead*, 2023 WL 4157629, at *2 (N.D. Cal. June 23, 2023).

7. In the context of a prior discovery dispute, this Court found that training data—specifically the sources at issue on page 23 of ECF Nos. 410-1 and 410-2—was "competitively sensitive," had not been made public by Anthropic, and that good cause existed for the datasets to "remain under seal." ECF 378 at 5. The same considerations apply here. The confidential and competitively sensitive nature of the training sources warrant a finding that compelling reasons exist for this narrow set of nonpublic information to remain under seal. *See Snapkeys, Ltd. v. Google LLC*, 2021 WL 1951250, at *3 (N.D. Cal. May 14, 2021) (finding compelling reasons to seal confidential information regarding proprietary technology); *Finjan, Inc. v. Proofpoint, Inc.*, 2016 WL 7429304, at *2 (N.D. Cal. Feb. 9, 2016) (compelling reasons to seal "source code directories" and "information about the technical operation of the products").

8. The public disclosure of the information described in Paragraph 6 would reveal highly confidential information about Anthropic's sources of training data, which could harm Anthropic if made public by giving its competitors in the rapidly developing AI industry insight into its proprietary training process. 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 August 18, 2025.

/s/ Natalie Naugle

Natalie Naugle

Date: August 18, 2025

/s/ *Sonal N. Mehta*

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

Date: August 18, 2025

/s/ *Sonal N. Mehta*

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