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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

DEFENDANT'S NOTICE RE: PENDING MOTION FOR RELIEF AT DKT. 485

Judge: Hon. Eumi K. Lee

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Anthropic submits this notice regarding Anthropic's pending motion for relief from Judge van Keuelen's October 12, 2025 order. *See* ECF 485. In light of recent developments in discovery, Anthropic intends to file a related dispute with Judge van Keulen regarding Publishers' attempts to withhold key evidence regarding the investigation that resulted in outputs on which they intend to rely. Because that dispute will be relevant to and bear on many of the same issues contained in the pending motion for relief, Anthropic respectfully submits that it would be most efficient for the Court to defer ruling on the pending motion for relief until the resolution of the forthcoming request. If the Court agrees, Anthropic respectfully requests that the Court enter an order deferring ruling on the motion for relief by November 10, 2025, so that it can consider any ruling by Judge van Keulen on the forthcoming motion before it either requests a response to the motion for relief or that motion is deemed denied under Local Rule 72-2(d).

As background, Publishers have disclosed approximately 5,000 prompts and outputs from their and their agents' investigation. Anthropic previously sought the undisclosed prompts and outputs that Publishers and their agents obtained from Claude during their investigation, to enable Anthropic to mount an effective defense against Publishers' allegations that it was easy to obtain lyrics from Claude, that Claude's guardrails were ineffective, and that Anthropic has willfully infringed Publishers' copyrights—claims that Publishers planned to selectively use the results of their investigation to establish. *See* ECF 328. The limited discovery that Anthropic has obtained has only confirmed that Anthropic needs the full context of Publishers' investigation to rebut those claims, and that Publishers' selective reliance on the fruits of their investigation, while attempting to secret away others, constitutes waiver of any privilege.

In May 2025, Judge van Keulen denied without prejudice Anthropic's initial request for the undisclosed prompts and outputs from Publishers' and their agents' investigation as too broad given the early stage in the litigation and uncertainty as to how Publishers would prove their claims, but allowed Anthropic to renew the motion if developments in discovery so warranted. ECF 377 at 4.

Since then, Anthropic has attempted narrower pathways to obtaining the relevant evidence needed to defend its case, but those pathways have only raised more questions about the genesis of the outputs on which Publishers seek to rely and heightened the need for Anthropic to be able to

test—and the fact-finder to understand—the efforts that Publishers and their agents undertook to generate the outputs on which they will rely. Anthropic requests the opportunity to present this renewed request to Judge van Keulen for resolution so that Judge van Keulen can resolve the dispute and then this Court can consider any motion for relief from that order (from Anthropic or Publishers) together with the pending motion for relief.

Anthropic apologizes for any inconvenience to the Court from the serial filings—these issues are evolving quickly as the parties work to conclude discovery.

Date: November 7, 2025

/s/ *Sonal N. Mehta*

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