EXHIBIT 2

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UNCERTIFIED REALTIME ROUGH DRAFT OF

JARED KAPLAN TAKEN 11/21/2025

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THE VIDEOGRAPHER: Here begins Media No. 1 in the videotaped deposition of Jared Kaplan,
10:03:52 in the matter of the Concord Music Group versus Anthropic, in the United States District Court, Northern District of California, San Jose Division, Case No. 5:24-cv-03811-EKL-SVK.

Today's date is November 21st, 2025. The
10:04:16 time on the video monitor is 10:04 a.m.

The videographer today is Gary Garcia, representing Planet Depos.

This video deposition is taking place at 50 California Street, San Francisco, California.

10:04:29 Would counsel please voice-identify

themselves and state whom they represent, starting with the taking attorney.

MR. HAILEY: Nick Hailey with the law firm of Oppenheim & Zebrak LLP, on behalf of the plaintiff music publishers.

I'm joined by my colleague Bret Matera.

MR. GOOCH: Taylor Gooch with WilmerHale.

With me remotely is Alyssa Milstead; also remotely, Ivana Dukanovic from -- co-counsel at Latham & Watkins.

And with and for the client, or in-house with the client, is ****Mr. Ian Chen, as well as the witness.

THE VIDEOGRAPHER: The court reporter today is Rebecca Romano representing Planet Depos.

The witness will now be sworn.

THE COURT REPORTER: My name is Rebecca Romano. I am a California-licensed Stenographic Court Reporter, No. 12546. I will be producing a transcript that is automatically admissible in court.

If you could raise your right hand for me, please.

THE DEPONENT: (Complies.)

THE COURT REPORTER: You do solemnly

state, under penalty of perjury, that the testimony you are about to give in this deposition shall be the truth, the whole truth and nothing but the truth?

THE DEPONENT: I do.

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JARED KAPLAN,

having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MR. HAILEY:

Q. Good morning, Dr. Kaplan.

A. Good morning.

Q. We met just a few moments ago. Again, my name is Nick Hailey. I represent the plaintiff music publishers in their law suit against your company, Anthropic. I will be taking your deposition today.

Can we start with you stating your name

fact, confidential.

Q. Did you review those confidentiality terms in advance of this deposition so that you could come prepared to give testimony today?

A. I did not review the terms of my agreement with OpenAI in preparation for this deposition.

Q. Okay.

MR. HAILEY: Okay. So, Taylor, just -- just a heads-up, we will be keeping this deposition open to the extent Dr. Kaplan is -- already -- it's clear that he's already unable to answer the questions that I need to ask, despite the fact that we flagged to Sonal and the rest of your team our request that Dr. Kaplan review the terms of that confidentiality or supposed confidentiality in advance of this deposition.

So we will --

MR. GOOCH: We've --

MR. HAILEY: -- be keeping the deposition open. I will continue to make my record and ask the questions I need to ask.

But it's our position that the witness is unprepared if he's going to state that he doesn't know one way or the other what he can testify to

about his work at OpenAI.

MR. GOOCH: I understand you're going to be keeping the deposition open. I will tell you, he will not be re-presented.

I will also tell you that he has significant confidentiality obligations to OpenAI, and I will continue cautioning him where he should be cautioned.

I also don't understand the relevance of any of what he did at OpenAI is. And if you are -- want to explain the relevance of his work at OpenAI to the copyright claim you have in this case, I'm happy to listen to it.

MR. HAILEY: We're not going to do that. We're not going to waste time on the record arguing about this. We've already -- we've -- we asked ahead of time for him to review his confidentiality -- confidentiality obligations so he would come prepared to testify today.

MR. GOOCH: He's --

MR. HAILEY: The witness did not. I'm going to --

MR. GOOCH: The witness --

MR. HAILEY: I'm going to continue to make my record, but I'm going to move on. And if

you'd like to discuss further, we can go off the record.

MR. GOOCH: As -- we're not going off the record.

As you know, the witness -- and I'll just remind the videographer that unless I agree, we're not going off the record.

I'll just remind you, he is here in his personal capacity. He is not a 30(b)(6). He had no obligations one way or the other.

I will also just continue saying that you've -- Ms. Mehta asked you during the prior depositions what any of the relevance was. You refused to answer. She asked you during the break. You refused to answer. You've refused to answer at any point in any emails. So we, as of yet, do not understand how this is even tangentially relevant.

MR. HAILEY: If you want to talk about this more, I'm happy to. We're going to excuse the witness, and we're going to stop counting the time against --

MR. GOOCH: I'm going to respond to you talking. And if you keep asking me things or saying things, I'm going to respond to it, and that time is going to count against you. If you want to

ask the witness questions, I invite you to ask the witness questions.

MR. HAILEY: I haven't asked you a single question today, Taylor.

I want to --

MR. GOOCH: I'm saying, I'm going to respond --

MR. HAILEY: -- ask the witness -- I want to ask -- I want to ask the witness questions. I want to proceed with my deposition, and I'm going to proceed with it now.

MR. GOOCH: I am saying, I'm going to respond to your statements you've made directed at me.

And so ask questions.

(Exhibit 232 was marked for identification by the Court Reporter and is attached hereto.)

Q. (By Mr. Hailey) Dr. Kaplan, I'm showing what we've marked as Exhibit 232 to your deposition.

Do you recognize this document?

A. I recognize this document.

Q. And what is this?

A. I believe that this document is a

Q. (By Mr. Hailey) I apologize for the constant interruptions, Dr. Kaplan.

The question is, you didn't review the OpenAI agreements that you entered into when your engagement with them ended to confirm one way or the other what you can and can't testify about today, correct?

MR. GOOCH: Asked and answered.

THE DEPONENT: I did not review the details of my agreements with OpenAI as preparation for this deposition.

Q. (By Mr. Hailey) So you don't really know what exactly is confidential to OpenAI and what is not, correct?

MR. GOOCH: Objection. Misstates the testimony. And asked and answered.

THE DEPONENT: I have a reasonable sense of what the norms were at OpenAI circa this period in terms of what information might or might not be confidential.

And as I stated before, there's a great deal of information detailing the kind of work I did and even indicating what my role was in that work in a variety of published papers, which I'

recommend you review if you're interested in the

work I was doing.

Q. (By Mr. Hailey) What role did you play with respect to selecting training data at OpenAI?

MR. GOOCH: Same caution.

THE DEPONENT: I believe I've already answered that question to the best of my ability.

Q. (By Mr. Hailey) I'm not sure you have, so I'd ask that you answer the question.

What role did you play with respect to selecting training data at OpenAI?

MR. GOOCH: Same caution. And asked and answered.

THE DEPONENT: As I said, I think that you can look at -- in the appendices. I'd be happy to point them out if you'd provide, say, some of the papers that I mentioned that indicate what work I did and what my role was in that work. That's all public information. And if you want to produce it, happy to answer questions about it.

But I don't think I can provide more information than that.

Q. (By Mr. Hailey) So as you sit in your deposition today, is your testimony that you -- you can't tell me what role you played with respect to selecting training data at OpenAI?

MR. GOOCH: Objection. Misstates the prior testimony. And asked and answered.

THE DEPONENT: As I said, if you look at "Scaling Laws for Neural Language Models," a follow-up work on that that discusses multimodal models, if you look at the GPT3 paper, if you look at, I think, some other papers that I collaborated on during this period with researchers at OpenAI, you'll see my position in the author list, which gives some indication of how important my work was and how much I did on -- on -- on those collaborations.

And then many of those papers have a section that indicates the contributions of individual authors that typically states what part of the research was done by whom.

And you should, if you look at those papers now or in the future, be able to get a sense of what kind of work I was doing at OpenAI, including as is relevant to your question.

Q. (By Mr. Hailey) Apart from what is included in what you published, what else can you tell me about what work you did at OpenAI?

MR. GOOCH: Objection. And same caution to not reveal OpenAI confidential information,

consistent with your agreements.

THE DEPONENT: I -- I -- I think I've already told you a good source of information on what I did at OpenAI.

Q. (By Mr. Hailey) Yes.

And I'm asking you, apart from those published articles, what can you tell me about what you work you did at OpenAI?

MR. GOOCH: Same caution.

THE DEPONENT: If you were to produce any of these papers, I'd be happy to talk to you about my contributions to those papers and what -- and what's indicated in those papers about my role in the work.

Q. (By Mr. Hailey) Dr. Kaplan, you understand my question is not about those published papers, correct?

A. I -- I don't think I understand that.

Q. I'm not asking about the published papers.

I'm asking about, apart from the published papers, what can you tell me about your work at OpenAI?

MR. GOOCH: Objection. Same caution.

THE DEPONENT: The majority of work that

I did resulted in published papers.

Q. (By Mr. Hailey) What about the minority of your work that did not result in published papers?

A. I don't think that I can speak to that because it was -- was not made public by OpenAI, and therefore, I expect it to be confidential.

Q. What's that based on?

A. As I said, I have a general sense of the expectations of researchers at OpenAI circa 2019 and 2020.

Q. So you're refusing to answer my question based on that general sense?

A. I gave you many different methods of learning about what work I did at OpenAI.

Q. But you're refusing to answer my question about the minority of work that you did not publish that you did at OpenAI, correct?

A. I'm not --

MR. GOOCH: And -- sorry, just real quick, just give me a few seconds to object.

Same objections.

Also, clearly trying to get the witness to break confidentiality agreements.

I'm going to give you the same caution.

THE DEPONENT: Yeah, I -- I don't -- I think I've already answered the question.

Q. (By Mr. Hailey) I'm not asking you, Dr. Kaplan, to break any confidentiality agreements.

So let me ask you this: Do you know what is included in what is not included in the confidentiality agreements?

A. As I said, I have a general sense of the expectations for confidentiality at OpenAI circa 2019 and 2020, and I'm abiding by that.

Q. But you don't know what's actually covered by the agreement -- the confidentiality agreement or whatever agreement you entered into with OpenAI, correct?

MR. GOOCH: Objection. Asked and answered many times.

THE DEPONENT: I had a general sense of the expectations for confidentiality in the period 2019 and 2020, and I am abiding by that.

Q. (By Mr. Hailey) I'm not asking you about your general sense, Dr. Kaplan. I'm asking you about what is specifically covered by whatever agreement or agreements you yourself entered into with OpenAI.

Do you know the coverage of those agreements?

MR. GOOCH: Same caution.

THE DEPONENT: As I said, I did not specifically review these -- those agreements as preparation for this deposition.

Q. (By Mr. Hailey) I think I already -- I think I already asked you this question, but let me just ask it again just to -- just to make sure.

How were you compensated for your work at OpenAI?

MR. GOOCH: Same caution.

THE DEPONENT: I -- can you be more specific.

Q. (By Mr. Hailey) Did you receive a salary for working at OpenAI?

A. As indicated on this document, the LinkedIn profile, where it's written that I was a research consultant, OpenAI contract, I was a paid consultant during that specific period.

Q. And how were you paid?

MR. GOOCH: I'm going to provide the same caution to the witness to the extent this is confidential information.

THE DEPONENT: Yeah, I -- I don't know to

what extent this is confidential, so I'm not sure what -- what else I can tell you.

MR. GOOCH: I also don't see the relevance, but make your record.

MR. HAILEY: Relevance is not an objection, Taylor.

Q. (By Mr. Hailey) So let me just make sure I'm clear, Dr. Kaplan, because I think your answer trailed off.

I asked, how were you paid?

MR. GOOCH: So same caution.

THE DEPONENT: I mean, I believe I was paid as a consultant on a -- in U.S. dollars on a monthly basis based on sort of hours worked, as -- as consultants usually are.

Q. (By Mr. Hailey) Did you receive any equity in OpenAI as part of your work?

A. I have never received any equity in OpenAI.

Q. Dr. Kaplan, are you proud of the work that you did at OpenAI?

A. I feel like as I scientist, many of the findings we obtained on sort of the science of AI during that period were exciting. And I was -- I was proud to participate in some of that work.

11:41:26 Q. (By Mr. Hailey) I don't understand your question. Let me try and rephrase mine, Dr. Kaplan.

Do you agree or do you disagree that AI

11:41:36 poses serious environmental harms?

MR. GOOCH: Same objections.

THE DEPONENT: It is the case that AI data centers, if they continue to expand at a rapid rate, will use more and more electricity.

11:41:58 Q. (By Mr. Hailey) And water, correct?

A. I don't know.

Q. And you expect AI data centers to continue to expand at a rapid rate, correct?

A. I believe it's the case that if AI

11:42:19 capabilities continue to improve and AI continues to be more and more useful for increasing productivity, democratizing access to expertise, all sorts of other things, that people may use AI more and more and that that will lead to an

11:42:40 expansion of the role that AI plays in the economy.

MR. HAILEY: So I'll move to strike as nonresponsive.

Q. (By Mr. Hailey) Do you remember my question, Dr. Kaplan?

11:42:53 MR. GOOCH: And I'll disagree.

Q. (By Mr. Hailey) Do you remember my question, Dr. Kaplan?

A. It sounds looks like you'd like to restate it.

Q. My question to you was, you expect AI data centers to continue to expand at a rapid rate, correct?

A. And I said that if AI continues to be useful in the economy and people continue to want to pay more and more to expand AI services, then to meet that demand, it will be necessary to build more data centers.

(Discussion off the stenographic record.)

MR. HAILEY: I think this is a -- the court reporter has requested a break. I think this is a good time for a break if that works for you, Dr. Kaplan.

THE DEPONENT: I want the court reporter to be happy, but I don't have any desire to take a break myself.

MR. GOOCH: Why don't we just take five minutes.

THE DEPONENT: Yeah, that sounds good.

MR. GOOCH: And then, Nick, I just had two quick questions before we go off.

Are you able to confirm that no one at O&Z has used the Bartz transcripts in preparation for the deposition today?

MR. HAILEY: I don't know the answer to that question.

MR. GOOCH: Can you --

MR. HAILEY: So if I --

MR. GOOCH: Great.

MR. HAILEY: You've asked that question, so --

MR. GOOCH: Great.

Will you get back to me on the next break so you can ask your colleagues.

MR. HAILEY: I'm not -- not sure that it's an appropriate for you to be asking. So you can ask the question. We have the question.

MR. GOOCH: Are you going to follow up?

MR. HAILEY: Taylor, you've asked the question.

MR. GOOCH: Okay. I understand you're refusing to answer.

Can you confirm whether or not O&Z has used any of the transcripts or notes or summaries of the Bartz depositions in any way for any purpose in this case.

MR. HAILEY: So I will tell you, I don't think it's proper for all the reasons we've discussed before for you to be asking us about our case preparation. The detail -- this is all privileged information you're asking about.

We've, I think, been clear with you that we've complied with the respective protective orders, and I don't think we need to tell you anything more than that about what our case -- casework has been.

So I don't think those are appropriate questions for you to ask, and I don't think we're going to respond further.

MR. GOOCH: So to be clear, you're refusing to answer the questions?

MR. HAILEY: That's correct, because I don't think they are appropriate questions. So we are not obligated to answer them.

MR. GOOCH: Okay. We disagree.

Let's go off the record.

THE VIDEOGRAPHER: Okay. We are going off the record. The time is 11:45 time.

(Recess taken.)

THE VIDEOGRAPHER: We are back on the record. The time is 11:57 a.m.

MR. GOOCH: And I'll just note that on the break, I asked Counsel if he had identified the email he represented existed, and he said he hadn't checked.

Q. (By Mr. Hailey) Welcome back, Dr. Kaplan.

Did you have a nice break?

A. It was good.

Q. So before the break, we were talking about the risks of AI technology like Claude.

Do you recall those questions?

A. I recall that we were talking about speculative possible risks from AI that are wide-ranging, especially if AI becomes more and more capable over time.

Q. And one of the risks of AI is actually an existential risk; is that correct?

A. Many people who are concerned about AI are concerned about risks that they deem existential if AI becomes significantly more intelligent and capable than any person.

Q. And when we say existential, that means that AI poses a risk or threat of human extinction; is that correct?

A. I think these words are used in a variety

A. I don't know.

Q. Does Anthropic perform any diligence to identify whether the works contained in the datasets it uses for AI training are copied righted?

MR. GOOCH: Objection. Form. And calls for speculation and I'm going to provide the same privilege caution and direct the witness not to answer to the extent it would reveal privileged conversation.

But you can otherwise answer the question.

THE DEPONENT: As I mentioned earlier my understanding all essentially recently human text human written text is copyrighted, including most text on the Internet.

Thus my understanding is that based on that comment, the fact that Anthropic transon data from the Internet, that anthropic publishes does train models on text that is copyrighted.

Q. (By Mr. Hailey) And how long have you had that understanding?

MR. GOOCH: Objection. Form. End going to caution the the witness that you can answer, but do not provide privileged information such as

conversations with attorneys or thoughts formed as relation to conversations with attorneys.

THE DEPONENT: I'm not sure.

Q. (By Mr. Hailey) Does Anthropic perform any diligence on the datasets it uses for AI training to identify whether rights holders have given permission for their works to be included in their datasets?

MR. GOOCH: Same objections and same caution to not reveal privileged information.

THE DEPONENT: I'm not sure.

Q. (By Mr. Hailey) Does Anthropic perform any diligence to identify whether the works contained in the datasets it uses for AI training are pirated copies of copyright works?

MR. GOOCH: Objection. Form. I also think that what did you picture rot PO in place I want to make sure you are not in out of compliance with the PO.

MR. HAILEY: I don't know what you are asking Taylor.

MR. GOOCH: Okay so I'm going to direct the witness not to answer as I believe that question is trying to get to torrenting which is not a permissible topic if you want to carve that

out of your question, feel free but otherwise I understand picture rating to be a -- a violation of rule 30.

Q. (By Mr. Hailey) I'm not asking about torrenting can you answer my question?

A. Can you please define the word "picture rate.

Q. Does Anthropic whether the works contained in the datasets it uses for AI training are illegal or told extent copies of copyrighted works?

MR. GOOCH: So I'm again believe that counsel is trying to Nevadian violate order 30 and if you want to carve out torrenting I let answer if you are going to carve out tore represent.

Q. (By Mr. Hailey) I'm asking torrenting?

MR. GOOCH: So state this in your question.

MR. HAILEY: I have.

MR. GOOCH: Let answer.

MR. HAILEY: Telling I'm asking tore rent.

MR. GOOCH: Unless stated in the question I'm going to let him Ambiguities.

Q. (By Mr. Hailey) Well?

MR. GOOCH: You welcome the I believe because how deposition are used are quote the answer ' apps what you are saying the definition if you want put into the question let him answer.

Q. (By Mr. Hailey) Dr. Kaplan, Anthropic as used the books 3 dataset to train its AI -- certain of its Claude models, correct?

A. Can you define what the books three dataset.

Q. Are you familiar with the books three dataset?

A. I'm not sure.

Q. Can you be more precise as to what you are referring.

Q. Are you -- are you not familiar with the dataset books three?

A. I'm not sure exactly what dataset you are referring.

Q. Have you ever heard of a dataset called books 3?

A. Revenues there was a published paper some numbers of years ago about a dataset that I do recall sometimes referred to as the pile. It was openly published promulgated discussed among many researchers. Certainly at the time that led me to

believe that it was a standard perfectly fine dataset on which to train AI models. I think there some books included in that dataset I'm not sure exactly what or how it was obtained or where it lived or anything like that.

But I think you might be referring to this dataset geared in this sort of open access publication.

Q. One of the datasets included in the pile was a dataset called book three, correct?

MR. GOOCH: Objection. Form.

THE DEPONENT: It sound.

MR. GOOCH: Calls for speculation.

THE DEPONENT: It sounds like you are telling me that books three is a subpoena set of the pile dataset.

Q. (By Mr. Hailey) I'm asking you is that correct statement books set subset of the book file set?

MR. GOOCH: Objection. Form.

THE DEPONENT: I don't recall for sure I think there some books in the pile data.

Q. (By Mr. Hailey) Did Anthropic perform any diligence on the pile dataset to identify whether the works contained in that dataset were

illegal or stolen or unauthorized copies of copyrighted works?

MR. GOOCH: Counsel I have asked to clarify that doesn't include bit tonight in the question if you want to reask I let otherwise I think you are trying to tore representing part of violation federal rule 30 in the court's order if you want to add to the question you can answer.

Q. (By Mr. Hailey) You didn't torrent the pile did you, Dr. Kaplan?

MR. GOOCH: Counsel, you know you're specifically not allowed to ask that question. So that is in violation of the order. I'm going to direct the witness not to answer that question.

MR. HAILEY: I'm confirming that they didn't torrent. There's been no allegation that they --

MR. GOOCH: You're not allowed to ask any questions of torrenting. You have one minute. Defer to you how to spend it.

MR. HAILEY: We will be taking a few additional minutes to conclude the questions --

MR. GOOCH: We will not.

Q. (By Mr. Hailey) -- given your interruptions --

MR. GOOCH: 55 seconds.

Q. (By Mr. Hailey) Dr. Kaplan, did Anthropic set aside any references to torrenting from your counsel, did Anthropic perform any diligence to review the contents of the live Gwen dataset before Anthropic used that in connection with AI training?

MR. GOOCH: You can answer to the extent it doesn't reveal privileged information.

THE DEPONENT: I don't think I can answer that without revealing privileged information.

Q. (By Mr. Hailey) Setting aside torrenting that Anthropic perform NIF diligence to review the contents of the pile dataset before Anthropic used the pile AI training?

MR. GOOCH: You can answer to the extent it doesn't reveal privileged information.

THE DEPONENT: It seems question presupposes some specific training I am not sure I understand what training you are referring to.

Q. (By Mr. Hailey) If have you used the pile to train Claude models?

A. I'm not sure.

Q. So you don't whether you have done any diligence on the pile in connection with the

MR. HAILEY: We -- will certainly check. If I -- if I was mistaken then I mistaken we haven't I just.

MR. GOOCH: Great.

MR. HAILEY: We certainly exchanged emails on this. We certainly made a statement on the record during the prior deposition so it doesn't change our position that Dr. Kaplan should have reviewed his --

MR. GOOCH: And --

MR. HAILEY: -- openAI agreements in advance of this deposition. He failed to do so. So that is one of the reasons that we will be seeking additional deposition time.

MR. GOOCH: I understand you'll be seeking that.

And do you care to tell us now what the relevance of any of the OpenAI information is?

MR. HAILEY: Give me just a moment.

MR. GOOCH: Sounds good.

MR. HAILEY: Off of the top of my head, I will say in response to your question that the witnesses' prior work on AI development and training at OpenAI and his compensation from such work is directly relevant to a whole list of issues

in the case, including knowledge, willfulness, and bias.

I think that we heard today that the witness had worked on various AI training and dataset collection at open unable but he was unable to share the details of that because he did not have clarity as to what was fair game or not from the testified to as part of agreements that he apparently had in leaving the company, but have not been reviewed not have been disclosed to to us and that what I tell you.

MR. GOOCH: I just disappointed counsel only decide at the end of the deposition to provide us the relevance of the OpenAI testimony. That when Ms. Meta asked him this specific counsel during prior depositions he refused to answer when asked in emails he refused to answer it appears the counsel always had in mind. Anticipate it's dispointing that you are only deciding to do this after the parties are unable to rectify the position biunder willing disclose it's just unfortunate you willing to have these conversations earlier in prior to depositions.

MR. HAILEY: Well Taylor we disagree I did have this conversation with your colleague