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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 498)

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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 498) concerning portions of (1) Joint Discovery Dispute Statement Regarding Anthropic's Production of Guardrail Information (ECF 498-1); (2) Exhibit 1 – Plaintiffs' Third Set of RFPs to Defendant (ECF 498-2); (3) Exhibit 2 – Defendant Anthropic's Amended Responses and Objections to Plaintiffs' Third Set of RFPs (ECF 498-3); (4) Exhibit 3 – Excerpt from Vinay Rao Deposition Transcript (ECF 498-4); (5) Exhibit 4 – Parties' Joint Chart (ECF 498-5); (6) Publishers' Proposed Order (ECF 498-6); and (7) Anthropic's Proposed Order (ECF 498-7).

3. The redacted portions of ECF Nos. 498-1, 498-2, 498-3, 498-4, 498-5, 498-6, and 498-7 contain quotes or summaries from documents or information 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 and business 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
498-1	Joint Discovery Dispute Statement Regarding Anthropic's Production of Guardrail Information	Highlighted portions at 1:23, 1:26–28, 2:1–4, 2:6–7, 2:10, 2:13, 2:16, 2:19–20, 2:22, 2:24, 2:28, 3:7–8, 3:10, 3:13, 3:25–26, 3:28, 4:6, 4:16–21, 4:23, 4:28, 5:7, 6:5–6, 6:11, 6:20, 7:2, 7:9, 7:13–14, 7:19–21, 7:25, 8:1, 8:3, 8:6–8, 8:19, 9:6, 10:10, 10:27.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about the operation of Claude's content guardrails. The release of this information, including the amount of content included within its guardrails, would harm Anthropic's ability to safeguard its products because

			it would reveal or suggest to individuals a method for evading Anthropic's content guardrails processes.
498-2	Exhibit 1 – Plaintiffs' Third Set of RFPs to Defendant	Highlighted portions at 8:7–8, 8:10, 8:14, 10:1, 10:3–4, 10:20–22, 11:1–2, 11:4–5.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about sources of training data, subsequent uses of that data, and the operation of Claude's content guardrails, public disclosure of which would cause competitive harm to Anthropic and harm Anthropic's ability to safeguard its products. These materials were previously ordered sealed under the same standards due to their "competitive sensitivity." *See* ECF 491 at 2:4-19.
498-3	Exhibit 2 – Defendant Anthropic's Amended Responses and Objections to Plaintiffs' Third Set of RFPs	Highlighted portions at 26:19–20, 27:11–12, 27:17–18.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about the operation of Claude's content guardrails. The release of this information, including the amount of content included within its guardrails, would harm Anthropic's ability to safeguard its products because it would reveal or suggest to individuals a method for evading Anthropic's content guardrails processes.

498-4	Exhibit 3 – Excerpt from Vinay Rao Deposition Transcript	Highlighted language of Exhibit 3 filed herewith at 88:1–7, 88:11–12, 88:15, 88:25, 89:2, 89:10, 89:13, 89:16, 89:18, 89:22–23, 89:25, 90:1–4, 90:9–11, 90:13–24; 91:2, 91:13–25, 92:1–3, 92:12–13, 92:16–25, 93:1–6, 93:25.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about the operation of Claude's content guardrails. The release of this information, including the amount of content included within its guardrails, would harm Anthropic's ability to safeguard its products because it would reveal or suggest to individuals a method for evading Anthropic's content guardrails processes.
498-5	Exhibit 4 – Parties' Joint Chart	Highlighted portions at pp. 1–2.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about the operation of Claude's content guardrails. The release of this information, including the amount of content included within its guardrails, would harm Anthropic's ability to safeguard its products because it would reveal or suggest to individuals a method for evading Anthropic's content guardrails processes.
498-6	Publishers' Proposed Order	Highlighted portions at p. 1.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about the operation of Claude's content guardrails. The release of this information, including the amount of content included within its guardrails, would harm Anthropic's ability to

			safeguard its products because it would reveal or suggest to individuals a method for evading Anthropic's content guardrails processes.
498-7	Anthropic's Proposed Order	Highlighted portions at p. 1.	The redacted language contains highly confidential nonpublic information relating to Anthropic's internal technical operations, including specific and sensitive details about the operation of Claude's content guardrails. The release of this information, including the amount of content included within its guardrails, would harm Anthropic's ability to safeguard its products because it would reveal or suggest to individuals a method for evading Anthropic's content guardrails processes.

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 cause a party to "suffer competitive harm," *Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at *3 (N.D. Cal. Mar. 4, 2015). However, the Ninth Circuit has also "carved out an exception" for sealed materials attached to non-dispositive motions, such as discovery disputes, and other materials that are only "tangentially related to the merits of the case." *Chrysler Group, LLC*, 809 F.3d at 1102. In those circumstances, the parties must make only a "particularized showing of good cause," *Finjan LLC v. Palo Alto Networks, Inc.*, 2023 WL 5211321, at *1 (N.D. Cal. Aug. 14, 2023), as the "public has less of a need for access to court records attached only to non-dispositive motions," and the "public policies that support the right of access to

dispositive motions, and related materials, do not apply with equal force." *Kamakana*, 447 F.3d at 1179-80. The Local Rules also require that sealing requests must be "narrowly tailored to seal only the sealable material." Civil L.R. 79-5(c)(3).

6. I have reviewed ECF Nos. 498-1, 498-2, 498-3, 498-4, 498-5, 498-6, and 498-7 and each contains highly confidential nonpublic information about Anthropic's technical operations and specific and sensitive details about Anthropic's content guardrails. This is proprietary information that is not accessible to the public and that Anthropic, as a matter of internal policy, treats as strictly confidential. Anthropic operates in the burgeoning and highly competitive generative AI industry, where companies compete in part over output quality and product safety. Public disclosure of information that bears on Anthropic's ability to safeguard its products using proprietary content guardrails would allow Anthropic's competitors to mimic the proprietary process that Anthropic uses to train and protect its models. And public disclosure of the specific and sensitive details about the technological guardrails that Anthropic designed to inhibit the replication of copyrighted content would create a substantial risk that bad actors could reverse engineer and circumvent these protections, undermining the very purpose of these safeguards. Such harm could not be avoided by less restrictive means than the narrowly tailored sealing of these documents. "[D]etails about the technical operation of a company product, such as source codes, internal documents, and other technical documents should remain 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 disputes, this Court found that information regarding the technical operations of Anthropic's technological guardrails systems were also "competitively sensitive" and granted Anthropic's request to seal. ECF 491 at 2. The same considerations apply here. The confidential and competitively sensitive nature of the training sources warrant a finding that compelling reasons exist for this 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").

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

Executed on November 26, 2025.

/s/ Natalie Naugle
Natalie Naugle

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document was obtained from the signatory of this document. I declare under penalty of perjury that the foregoing is true and correct.

Date: November 26, 2025 */s/ Taylor Gooch*