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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

vs.

ANTHROPIC PBC,

Defendant.

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

STIPULATION AND ~~[PROPOSED]~~ ORDER GRANTING LEAVE TO FILE SECOND AMENDED COMPLAINT UNDER FRCP 15(a)(2)

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

Plaintiffs Concord Music Group, Inc., *et al*. (collectively, "Publishers"), and Defendant Anthropic PBC ("Anthropic"), (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate and request that the Court order, as follows:

WHEREAS, Publishers filed the First Amended Complaint ("FAC"), ECF No. 337, on April 25, 2025;

WHEREAS, certain of the Publishers, as well as other entities affiliated with Publishers, have filed another case against Anthropic, *Concord Music Group, et al. v. Anthropic PBC, et al.*, 5:26-cv-00880-EKL-SVK ("*Concord II*");

WHEREAS, the FAC asserts claims for direct copyright infringement (Count I), contributory infringement (Count II), vicarious infringement (Count III), and removal or alteration of copyright management information (Count IV);

WHEREAS, the parties met and conferred on April 13, 2026 regarding Anthropic's anticipated motion for summary judgment directed to the FAC, pursuant to Sec. VIII.A of the Court's Standing Order for Civil Cases ("Standing Order"), at which conferral Anthropic informed Publishers that Anthropic intended to move for summary judgment on the FAC's claims for contributory infringement (Count II) and vicarious infringement (Count III) (among other claims and issues);

WHEREAS, following that conferral, Publishers notified Anthropic on April 19, 2026 that Publishers do not intend to proceed on and intend to dismiss their claims for contributory infringement (Count II) and vicarious infringement (Count III) thereby narrowing disputed issues and reducing motion practice consistent with the Court's Standing Order;

WHEREAS, Publishers provided Anthropic a proposed stipulation on April 20, 2026 to memorialize Publishers' voluntary dismissal of Count II and Count III with prejudice;

WHEREAS, the Parties met and conferred on April 22, 2026 to further discuss Publishers' request to dismiss Counts II and III and Publishers;

WHEREAS, on April 24, 2026, the Court entered an Order Regarding Temporary Stay of Related Actions, directing the parties to, *inter alia*, promptly meet and confer regarding a "dismissal of Counts II and III for contributory and vicarious infringement" and, if the Parties

"agree to dismissal or withdrawal of these claims with prejudice," to "file an appropriate stipulation by May 15, 2026." Dkt. 697;

WHEREAS, pursuant to the Court's April 24, 2026 order, the parties met and conferred by videoconference on May 5, 2026 regarding dismissal of Counts II and III for contributory and vicarious infringement with prejudice by stipulation;

WHEREAS, Publishers seek leave under Federal Rule of Civil Procedure 15(a)(2) to file a Second Amended Complaint ("SAC") for the limited purpose of memorializing that Publishers do not intend to proceed on their claims for contributory infringement (Count II) and vicarious infringement (Count III), by deleting Count II and Count III from the Complaint;

WHEREAS, except as necessary to remove those claims and conform the pleading to those deletions, the proposed SAC does not otherwise materially alter the FAC;

WHEREAS, the Parties agree that such amendment will constitute a voluntary dismissal with prejudice of Publishers' claims for contributory infringement (Count II) and vicarious infringement (Count III) in this case;

WHEREAS, pursuant to Civil Local Rule 10-1, a full copy of the proposed SAC is attached hereto as **Exhibit A**;

WHEREAS, pursuant to Section VII.A of the Court's Standing Order, a redlined comparison of the SAC to the previously-filed pleading is attached hereto as **Exhibit B**;

WHEREAS, Anthropic consents to Publishers' filing of the proposed SAC attached as **Exhibit A**, without waiving any arguments, claims, or defenses;

WHEREAS, the Court's Order Regarding Temporary Stay of Related Actions also directed the Parties to "confirm that the dismissal or withdrawal of Counts II and III resolves or moots Anthropic's pending motion for summary judgment as to these claims," Dkt. 697;

WHEREAS, the Parties agree that this stipulation moots the portion of Anthropic's pending motion for summary judgment that seeks judgment as to Counts II and III, *see* Dkt. 694 at 29-33;

NOW, THEREFORE, IT IS HEREBY STIPULATED, pursuant to Federal Rule of Civil Procedure 15(a)(2) and Civil Local Rule 7-12, by and among the parties through their respective

counsel, as follows:

1. Publishers voluntarily dismiss with prejudice their claims for contributory infringement (Count II) and vicarious infringement (Count III) of the 499 Works in Suit.
2. Publishers, as well as all entities that are plaintiffs in *Concord II* or would be bound by a judgment in *Concord I* (collectively, the "Bound Entities"), will not assert claims against Anthropic for contributory infringement or vicarious infringement of copyrighted musical compositions owned or controlled, in whole or in part, by the Bound Entities under the same legal theories pled in Counts II and III of the First Amended Complaint, *see* Dkt. 337, involving any Claude output prior to April 25, 2025. All parties reserve all rights with respect to the scope of the Bound Entities and resulting estoppel.
3. Publishers may file the Second Amended Complaint in the form attached as **Exhibit A** to this Stipulation.
4. Anthropic's current Answer to the First Amended Complaint shall be deemed an effective response to the corresponding paragraphs of the Second Amended Complaint, and Anthropic will not be required to file a separate Answer to the Second Amended Complaint.
5. This Stipulation shall not affect any existing case deadlines set by the Court, Dkt. 697.
6. This stipulation moots the portion of Anthropic's pending motion for summary judgment that seeks judgment as to Counts II and III, *see* Dkt. 694 at 29–33.

IT IS SO STIPULATED.

Date: May 15, 2026

By: /s/ Corey Miller

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Respectfully submitted,

By: /s/ Sonal Mehta

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Attorneys for Defendant

SIGNATURE ATTESTATION PURSUANT TO CIVIL L.R. 5-1(h)

Pursuant to Civil L.R. 5-1(h), I hereby attest that concurrence in the filing of the document was obtained from the document's signatories. I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 15, 2026

/s/ Corey Miller
Corey Miller

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Publishers' claims for contributory infringement (Count II) and vicarious infringement (Count III) are voluntarily dismissed with prejudice.
2. Plaintiffs are granted leave under Federal Rule of Civil Procedure 15(a)(2) to file the Second Amended Complaint in the form attached as **Exhibit A** to the parties' Stipulation.
3. Plaintiffs shall file the Second Amended Complaint within one week upon entry of this Order.
4. Anthropic's current Answer to the First Amended Complaint is hereby deemed an effective response to the corresponding paragraphs of the Second Amended Complaint, and Anthropic is not required to file a separate Answer to the Second Amended Complaint.
5. Publishers, as well as all entities that are plaintiffs in *Concord II* or would be bound by a judgment in *Concord I* (collectively, the "Bound Entities"), cannot assert claims against Anthropic for contributory infringement or vicarious infringement of copyrighted musical compositions owned or controlled, in whole or in part, the Bound Entities under the same legal theories pled in Counts II and III of the First Amended Complaint, *see* Dkt. 337, involving any Claude output prior to April 25, 2025.
6. The portion of Anthropic's pending Motion for Summary Judgment that seeks judgment on claims for secondary liability is denied as moot. *See* Dkt. 694 at 29–33.

IT IS SO ORDERED.

DATED: May 20, 2026

THE HONORABLE EUMI K. LEE
UNITED STATES DISTRICT JUDGE