OPPENHEIM + ZEBRAK, LLP
Matthew J. Oppenheim
Nicholas C. Hailey
Jeffrey M. Gould
Corey Miller
Keith Howell
Audrey L. Adu-Appiah
(admitted *pro hac vice*)
4530 Wisconsin Ave., NW, 5th Floor
Washington, DC 20016
Telephone: (202) 480-2999
matt@oandzlaw.com
nick@oandzlaw.com
jeff@oandzlaw.com
corey@oandzlaw.com
khowell@oandzlaw.com
aadu-appiah@oandzlaw.com

Alexander Kaplan
Jennifer Pariser
Andrew Guerra
Bret Matera
Timothy Chung
Michelle Gomez-Reichman
(admitted *pro hac vice*)
461 5th Avenue, 19th Floor
New York, NY 10017
Telephone: (212) 951-1156
alex@oandzlaw.com
jpariser@oandzlaw.com
andrew@oandzlaw.com
bmatera@oandzlaw.com
tchung@oandzlaw.com
mgomez-reichman@oandzlaw.com

Attorneys for Plaintiffs

COBLENTZ PATCH DUFFY & BASS LLP
Jeffrey G. Knowles (SBN 129754)
One Montgomery Street, Suite 3000
San Francisco, CA 94104
Telephone: (415) 391-4800
ef-jgk@cpdb.com

COWAN, LIEBOWITZ & LATMAN, P.C.
Richard S. Mandel
Jonathan Z. King
Richard Dannay
(admitted *pro hac vice*)
114 West 47th Street
New York, NY 10036-1525
Telephone: (212) 790-9200
rsm@cll.com
jzk@cll.com
rxd@cll.com

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 5:24-cv-03811-EKL-SVK

PLAINTIFFS' MOVING SEPARATE STATEMENT IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Publishers' *Prima Facie* Direct Infringement Claim		
Issue 1. Publishers own the 499 Works in Suit ("Works").	Fact # 1. Publishers are leading music publishing companies representing many of the world's top songwriters. Berschback Decl. ¶ 32; Coleman Decl. ¶ 4; Draughon Decl. ¶¶ 23-24; Kokakis Decl. ¶¶ 4, 146; Pittenger Decl. ¶ 3.	
	Fact # 2. Publishers own or exclusively control all or a portion of the rights to the 499 Works in Suit (the "Works"), including the lyrics contained therein. Berschback Decl. ¶ 7; Draughon Decl. ¶¶ 4-6, 8-22; Kokakis Decl. ¶¶ 5, 7; Pittenger Decl. ¶¶ 5-17.	
	Fact # 3. Each Work was registered with the Copyright Office within five years of publication. *See* Berschback Decl. ¶¶ 10-31, 33; Draughon Decl. ¶¶ 4, 9-22; Kokakis Decl. ¶¶ 6, 139-41; Coleman Decl. ¶¶ 7-13; Pittenger Decl. ¶¶ 10-17.	
	Fact # 4. The lyrics to Publishers' Works available on the lyric aggregator LyricFind.com are genuine and materially accurate. Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-45; *see also* Seymour Decl. (Nov. 16, 2023) and Ex. D, ECF Nos. 49, 49-6 to 49-7 (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com).	
Issue 2. Anthropic unlawfully reproduced the Works as input for its AI models.	Fact # 5. Anthropic copied the lyrics to Publishers' Works as input to train its Claude AI models. Shan Decl. ¶¶ 32-33.	
	Fact # 6. Anthropic admits that "at least one Claude model was trained on a dataset containing the lyrics to at least one hundred (100) of Publishers' Works listed at Dkt. 337-1." **Ex. 21** (Def.'s Am. Resp. to Publishers' Request for Admission ("RFA") No. 20), 22-23; *see also id.* at 20-22 (RFA No. 19); *id.* at 19-20, 23-25 (RFA Nos. 18 & 21); *id.* at 48-71 (RFA Nos. 51-70) (similar admissions).	
	Fact # 7. Anthropic does not deny that the lyrics to Publishers' Works are included in Claude's training data.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 22 (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025) 2-4; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 95:12-16, 96:10-97:4.	
	Fact # 8. Publishers' inspection of the dataset or "corpus" on which Anthropic trains its Claude AI models identified [redacted] copies of the lyrics to Publishers' Works. Shan Decl.¶ 33.	
	Fact # 9. Publishers' inspection found that Anthropic's training data contained at least [redacted] of the lyrics for each of Publishers' 499 Works in Suit. Shan Decl.¶ 33.	
	Fact # 10. For 354 Works, Anthropic's training data contained over[redacted] copies of each, and for [redacted] Works, Anthropic's training data contained over [redacted] copies of each. Shan Decl.¶ 33.	
	Fact # 11. Anthropic assembled this collection of Publishers' lyrics by first copying and downloading those lyrics from the internet and third-party datasets. **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025) at 2-4; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 47:8-10, 55:8-11, 79:21-80:11.	
	Fact # 12. Anthropic uses automated tools, such as web crawlers, to "scrape" (*i.e.*, copy and download) text from the internet onto its servers on a large scale. Answer to the First Amended Complaint ¶ 58(a), ECF No. 483 (hereinafter "Answer to FAC"); **Ex. 4,** Mann 30(b)(6) Dep. Tr. 47:7-10, 49:12-17, 51:20-52:7, 55:8-11; *see also* Zhao Decl. ¶ 14.	
	Fact # 13. Anthropic has [redacted] **Ex. 4,** Mann 30(b)(6) Dep. Tr. 56:14-57:1, 57:12-21; **Ex. 23** (Dep. Ex. 128, Anthropic_0000346083); **Ex. 12,** Sangani Dep. Tr. 203:16-204:21 (testifying about Dep. Ex. 128); **Ex. 24** (Dep. Ex. 129, Anthropic_0000343228); **Ex. 4,** Mann 30(b)(6) Dep Tr. 59:16-18 (testifying about Dep. Ex. 129).	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 14. Publishers' lyrics are commonly found on the internet, including on the websites of Publishers' licensees. *See* Berschback Decl. ¶ 44; Coleman Decl. ¶¶ 18-21; Draughon Decl. ¶¶ 33-34; Kokakis Decl. ¶¶ 149-51; Decl. of Jared Kaplan ISO Def.'s Opp.'n To Pls.' Mot. for Prelim. Inj. (Jan. 16, 2024), ECF No. 67-1, ¶ 24.	
	Fact # 15. As part of its web scraping efforts, Anthropic has downloaded copies of Publishers' lyrics, including from the websites of Publishers' licensees, without authorization. Shan Decl. ¶¶ 36-38; *see also* Berschback Decl. ¶¶ 52, 55; Coleman Decl. ¶ 28; Draughon Decl. ¶¶ 7, 38; Kokakis Decl. ¶¶ 149-51, 168.	
	Fact # 16. Anthropic copies and uses third-party dataset the Common Crawl for AI training. Answer to FAC ¶ 67; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 22), at 25; **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 39:12-14, 41:6-21; **Ex. 4**, Mann 30(b)(6) Dep. Tr. 216:14-18.	
	Fact # 17. The Common Crawl dataset is known to contain unauthorized copies of Publishers' lyrics. Zhao Decl. ¶ 17; Shan Decl. ¶¶ 33, 41; Decl. of Jared Kaplan ISO Def.'s Opp.'n To Pls.' Mot. for Prelim. Inj. (Jan. 16, 2024), ¶ 24, ECF No. 67-1; **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	
	Fact # 18. Anthropic copies and uses third-party dataset the Pile for AI training. Answer to FAC ¶ 69; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 30), at 31-32; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 47:1-5, 49:18-23.	
	Fact # 19. The Pile dataset is known to contain unauthorized copies of Publishers' lyrics. Zhao Decl. ¶ 17; *see* Shan Decl. ¶ 41; *see also* **Ex. 5,** Mann 30(b)(1) Dep. Tr. 45:12-17; Leo Gao *et al.*, *The Pile: An 800GB Dataset of Diverse Text for Language Modeling* 1, ARXIV (Dec. 31, 2020), https://arxiv.org/pdf/2101.00027.	
	Fact # 20. Anthropic also copies and uses third-party dataset YouTube Subtitles for AI training.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 22 (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 56:11-15.	
	Fact # 21. The YouTube Subtitles dataset is known to contain unauthorized copies of Publishers' lyrics. Zhao Decl. ¶ 17; *see* Shan Decl. ¶ 41; *see also* **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	
	Fact # 22. Anthropic also copies and uses third-party dataset OpenWebText2 for AI training. **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	
	Fact # 23. Anthropic has stated that the OpenWebText2 dataset it used to train Claude is among its datasets "more likely to contain song lyrics than other datasets." **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	
	Fact # 24. When Anthropic copies content from the internet and third-party datasets for AI training, it stores that content in "its unaltered, original form." **Ex. 5,** Mann 30(b)(1) Dep. Tr. 100:13-16.	
	Fact # 25. Anthropic next filters and "cleans" the text it has copied to remove content it wishes to exclude from AI training. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025), at 6-9; Answer to FAC ¶ 58(b); **Ex. 5,** Mann 30(b)(1) Dep. Tr. 78:1-13, 79:8-12, 80:25-81:5, 84:25-85:3; *see also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 80), at 82-83.	
	Fact # 26. Anthropic has chosen not to exclude Publishers' Works (or other copyrighted works) from its AI training dataset. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 102:23-103:23, 107:25-108:16, 116:24-117:12; *see also* Decl. of Jared Kaplan ISO Def.'s Opp.'n To Pls.' Renewed Mot. for Prelim. Inj. ("Kaplan Decl.") (Aug. 22, 2024), ¶ 37, ECF No. 209; Def.'s Opp.'n to Pls' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 6, ECF No. 207; Zhao Decl. ¶ 22.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 27. Anthropic copies this corpus of previously copied text into computer memory and processes this data in multiple ways to train Claude by establishing the values of billions of parameters that form the model. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025), at 7-9; Answer to FAC ¶ 58(c); Kaplan Decl. ¶¶ 20, 29, ECF No. 209; s*ee also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 13), at 15-16; *id.* at 81-82 (RFA No. 79); Zhao Decl. ¶ 23.	
	Fact # 28. That includes copying, dividing, and converting the collected text into short text fragments called known as "tokens." Answer to FAC ¶ 58(c); **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025), at 8; Kaplan Decl. ¶ 19, ECF No. 209; s*ee also* Zhao Decl. ¶ 23.	
	Fact # 29. Anthropic stores copies of Publishers' lyrics in tokenized format to train Claude, allowing Claude to reintegrate those tokens as text on command in response to user queries. Answer to FAC ¶ 58(c); **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025) at 8; Kaplan Decl. ¶ 19, ECF No. 209; s*ee also* Zhao Decl. ¶ 23.	
	Fact # 30. Claude generates text output in response to user prompts based on statistical information derived from tokens during training. Def.'s Answer to FAC ¶ 59.	
	Fact # 31. Claude is capable of generating output of Publishers' lyrics verbatim and near-verbatim because those same lyrics were included in Claude's training data. Zhao Decl. ¶¶ 24, 46; *see also* Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 5, ECF No. 207; Answer to FAC ¶ 59.	
	Fact # 32. The fact that Claude generated output of Publishers' lyrics verbatim and near-verbatim shows that those same lyrics were included in Claude's training data. Zhao Decl. ¶¶ 24, 46.	
	Fact # 33. Anthropic has never sought nor obtained a license from Publishers to use the Works.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 21 (Def.'s Am. Resp. to Pls.' RFA No. 110), at 108-09; Berschback Decl. ¶ 52; Coleman Decl. ¶ 28; Draughon Decl. ¶ 38; Kokakis Decl. ¶ 168.	
Issue 3. Anthropic unlawfully reproduced, distributed, displayed, and prepared derivative works based on the Works in its AI model output.	Fact # 34. Anthropic's Claude output verbatim or near-verbatim copies of the lyrics to all of Publishers' 499 Works in Suit, in response to prompts by Publishers' investigator in the format "What are the lyrics to [song] by [performing artist]?", prior to Publishers' filing suit. **Ex. 1** (comparison chart of Publishers' lyrics and Claude output in response to prompts submitted by Publishers' investigator for all 499 Works in Suit); *see also* Decl. of Dan Seymour ISO Pls.' Mot. for Prelim. Inj. ("Seymour Decl.") and Exs. B & D (Nov. 16, 2023), ECF Nos. 49, 49-2-49-4, 49-6-49-7 (Publishers' lyrics and same Claude output); Answer to FAC ¶¶ 9, 80-83.	
	Fact # 35. Anthropic's Claude (accessed through the Poe website) output verbatim or near-verbatim copies of lyrics to Publishers' Works in 50 additional instances, in response to prompts by Publishers' investigator in the format "What are the lyrics to [song] by [performing artist]?", between January 25 and 27, 2024. Declaration of Michael Candore and Exs. 1-50 (Feb. 14, 2024), ECF Nos. 96, 96-1 to 96-50 (Publishers' lyrics and Claude output).	
	Fact # 36. Separately, the Claude prompt-output records Anthropic has produced in this case (limited to the period from September 22, 2023 to March 22, 2024) include at least 11 pre-suit and 93 post-suit instances in which Claude output Publishers' lyrics in full or substantial part in response to direct third-party requests for those lyrics, spanning at least 54 Publisher Works. **Ex. 2** (comparison chart of Publishers' lyrics and Claude output in response to third-party prompts, citing Anthropic Claude records) at 1-3, 6-13, 18-19, 26-32, 37-38, 43-44, 47-52, 58-71, 76-128, 138-139, 146-152, 164-200, 203-225, 228-235, 238-241, 249-250, 253-255, 258-267, 271-274, 282-283, 288-298, 301-302, 306-313, 317-320, 324-330.	
	Fact # 37. On September 27, 2023, Claude output lyrics to "Message in a Bottle," in response to a Claude user query asking, "What are the lyrics to message in a bottle by the police."	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 2 at 138-139 (citing Anthropic_0000005629); Ex. D to Seymour Decl., ECF No. 49-6 at 105 (Publishers' lyrics to "Message in a Bottle"); Answer to FAC ¶ 88.	
	Fact # 38. On September 27, 2023, Claude output lyrics to "The Boys Are Back in Town," in response to a different user's request to "print out the lyrics of the song" for karaoke. **Ex. 2** at 265-267 (citing Anthropic_0000003118 at -122-123); Ex. D to Seymour Decl. at 344, ECF No. 49-6 (Publishers' lyrics to "The Boys Are Back in Town"); Answer to FAC ¶ 87.	
	Fact # 39. On October 8, 2023, Claude output lyrics to "Brown Sugar" and "Honky Tonk Women" when a user prompted it for the lyrics to those songs. **Ex. 2** at 26-27, 82-83 (citing Anthropic_0000027591 at -591-593); Ex. D to Seymour Decl. at 393, 398, ECF No. 49-7 (Publishers' lyrics to "Brown Sugar" and "Honky Tonk Women").	
	Fact # 40. On October 29, 2023, Claude output lyrics to "What a Wonderful World" after a user entered the prompt "what a wonderful world lyrics." **Ex. 2** at 310 (citing Anthropic_0000054696 at -698); Ex. D to Seymour Decl. at 386, ECF No. 49-7 (Publishers' lyrics to "What a Wonderful World").	
	Fact # 41. On December 3, 2023, Claude output lyrics to "White Christmas" in response to a user request for "[l]yrics to white Christmas." **Ex. 2** at 311 (citing ANTH_SAMPLE000292667; ANTH_SAMPLE000293494); Ex. D to Seymour Decl. at 286, ECF No. 49-6 (Publishers' lyrics to "White Christmas").	
	Fact # 42. On March 1, 2024, Claude output lyrics to "Every Little Thing She Does Is Magic" after a user prompted the model "every little thing she dose [sic] is magic." **Ex. 2** at 49-50 (citing Anthropic_0000197273); Ex. D to Seymour Decl. at 203-04, ECF No. 49-6 (Publishers' lyrics to "Every Little Thing She Does Is Magic").	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 43. Anthropic's records include additional examples of Claude's outputting verbatim or near-verbatim copies of lyrics to Publishers' Works in response to direct requests for those lyrics from third-party users—including "Copacabana," "Gimme Shelter," "How Great Is Our God," "Yellow," "Take Me Out," "Unstoppable," "You Are Not Alone" and dozens of other Works—before and well after this lawsuit was filed. **Ex. 2** at 31-32 (citing Anthropic_0000050271) (providing lyrics to "Copacabana" in response to prompt "Lyrics for: copacabano [sic]"), 62-63 (citing Anthropic_0000033474) (providing lyrics to "Gimme Shelter" in response to prompt "what are the lyrics to gimme shelter"), 86-87 (citing Anthropic_0000093838) (providing lyrics to "How Great Is Our God" in response to prompt "How great is our God lyrics"), 263-264 (citing Anthropic_0000063276) (providing lyrics to "Take Me Out" in response to prompt "give me the lyrics to take me out"), 288-289 (citing Anthropic_0000098311) (providing lyrics to "Unstoppable" in response to prompt "Give the lyrics of 'you're unstoppable by [redacted name]… Do you have other unstoppable lyrics by [redacted name]"), 317-318 (citing Anthropic_0000022134) (providing lyrics to "Yellow" in response to prompt "what are the lyrics to the coldplay song yellow"), 324-325 (citing Anthropic_0000036874) (providing lyrics to "You Are Not Alone" in response to prompt "lyrics of your are not alone by mj"); Ex. D to Seymour Decl. at 14-15, 55-56, 240-41, ECF No. 49-6; at 16-17, 58-59, 396-97, 418-19, ECF No. 49-7 (Publishers' lyrics to "Copacabana", "Gimme Shelter", "How Great is Our God", "Take Me Out", "Unstoppable", "Yellow", and "You Are Not Alone").	
	Fact # 44. Anthropic searched for and produced Claude third-party user records only within the six-month period from September 22, 2023 to March 22, 2024. **Ex. 26** (Excerpt of E-mail from Allison Que, Counsel to Anthropic, to T. Chung (Sept. 3, 2025)), 2.	
	Fact # 45. Anthropic did not preserve Claude third-party user records prior to September 22, 2023. **Ex. 26** (Excerpt of E-mail from Allison Que, Counsel to Anthropic, to T. Chung (Sept. 3, 2025)), 2 ("As Anthropic has informed Plaintiffs throughout discovery, Anthropic's	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	prompts and outputs were preserved beginning September 22, 2023, i.e. 26 days before the Complaint was filed, due to Anthropic's standard retention policy.")	
	Fact # 46. Anthropic has offered Claude to increasingly large numbers of users. Answer to FAC ¶ 148; **Ex. 27** (Anthropic_0000570510); **Ex. 28** (Anthropic_0000570511); **Ex. 29** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 4, Nov. 5, 2025), at 7-9 (describing Anthropic_0000570510 and Anthropic_0000570511).	
	Fact # 47. Anthropic has not searched or produced Claude third-party user records after March 22, 2024. **Ex. 26** (Excerpt of E-mail from Allison Que, Counsel to Anthropic, to T. Chung (Sept. 3, 2025)), 2.	
	Fact # 48. Anthropic's "Clio" data reflect many similar instances in which Claude users have prompted the model for song lyrics, including as recently as July 2025. **Ex. 30** (Ganguli 30(b)(6) Dep. Ex. 6, Anthropic_0000429489), Row 2259 (requests to "[f]ind or analyze specific song lyrics and information"); *see also* **Ex. 31** (Anthropic_0000429482), Row 3734; **Ex. 32** (Anthropic_0000429485), Row 2276; **Ex. 33** (Anthropic_0000429486), Row 2861; **Ex. 34** (Anthropic_0000429488), row 3790; **Ex. 35** (Anthropic_0000429490), row 3383 (similar lyric retrieval requests).	
	Fact # 49. Publishers' expert Joshua Dennis identified at least 136 examples in the 5-million-record Claude sample produced by Anthropic in which Claude users requested lyrics based upon provided song titles or lyric excerpts. Dennis Decl. ¶ 38.	
	Fact # 50. Based on these figures, Mr. Dennis concluded that users prompted Claude for lyrics in this manner in at least [redacted] instances from September 22, 2023 to March 22, 2024. Dennis Decl. ¶ 39.	
	Fact # 51. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	requests to provide full song lyrics or identify song titles based on lyric fragments. **Ex. 2** at 53-54 (citing ANTH_SAMPLE000292632; ANTH_SAMPLE000293493) (Nov. 26, 2023 output providing lyrics to "Fireflies" in response to prompt "Who sings I fly like papers get high like trains song"), 129-130 (citing Anthropic_0000027609) (Oct. 9, 2023 output providing lyrics to "Just Like Heaven" in response to prompt that included one line of lyrics and noted "the sentence was part of a song"), 256-257 (citing Anthropic_0000245657) (Oct. 4, 2023 output providing lyrics to "Sweet Home Alabama" in response to prompt "what popular song includes lyrics about California, Alabama, New Orleans & Mississippi in the same song").	
	Fact # 52. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to translate existing song lyrics. **Ex. 2** at 159-161 (citing Anthropic_0000060439) (responding to Nov. 3, 2023 prompt with "Here is the lyrics of 'Numb' by [redacted name] with translation after each line" and providing original and translated lyrics to "Numb"), 321-323 (citing Anthropic_0000062305) (Nov. 5, 2023 output providing original lyrics and translated lyrics to "Yesterday Once More" in response to prompt "lyric: yesterday once more, list line by line and translate to Chinese"); *see also* **Ex. 8,** Ganguli 30(b)(6) Dep. Tr. 100:7-11; **Ex. 9,** Ganguli 30(b)(1) Dep. Tr. 143:2-8, 282:6-20.	
	Fact # 53. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to provide chords or tablature for songs. **Ex. 1** at 1073 (citing ECF No. 49-5 at 17) (Oct. 12, 2023 Publisher prompt for chords to "Daddy Sang Bass," Claude output lyrics alongside chords); **Ex. 2** at 4-5 (citing Anthropic_0000342657) (Mar. 15, 2024 output providing lyrics to "American Girl" in response to March 15, 2024 prompt "show [redacted name] american girl in tabliture [sic]"), 37-38 (citing ANTH_SAMPLE000291792; ANTH_SAMPLE000293475) (providing lyrics to "Daddy Sang Bass" in response to Nov. 3, 2023 request for chords).	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 54. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to identify song lyrics on specific topics. **Ex. 2** at 303-305 (citing Anthropic_0000181046) (Jan. 14, 2024 in response to prompt for a list of social media posts with lyrics on various topics, Claude generated output copying the lyrics to "Wannabe" and other songs).	
	Fact # 55. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to modify existing song lyrics. **Ex. 1** at 1112 (citing ECF No. 48-1, 9) ("Sympathy for the Devil)), 1115 (citing ECF No. 48-1, 4) ("I Will Survive"), 1121 (citing ECF No. 48-1, 7) ("Roar"), 1129 (citing ECF No. 48-1, 2) ("Meant to Live"); **Ex. 2** at 140-143 (citing Anthropic_0000005629) (Sept. 27, 2023 output providing lyrics to "Message in a Bottle" in response to a prompt to modify those lyrics to "make these lyrics Christmas based" and "change night to cold night"), 236-237 (citing Anthropic_0000030306) (Oct. 11, 2023 output providing lyrics to "Santeria" in response to prompt asking to change lyrics to make them about "mushroom chocolate"), 279-281 (citing Anthropic_0000245869) (Oct. 4, 2023 output providing lyrics to "Tik Tok" in response to prompt asking to make lyrics to "Tik Tok" more kid-friendly).	
	Fact # 56. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to combine existing song lyrics and other text. **Ex. 1** at 1119 (citing ECF No. 48-1, 3) ("A Change is Gonna Come"& "WAP"), 1124 (citing Plaintiffs_ 0000000005) ("Candle in the Wind" & "Goodbye Yellow Brick Road"); **Ex. 2** at 131-132 (citing Anthropic_0000032302) (Oct. 14, 2023 output of derivative work combining the lyrics to "Lean on Me" and another song when prompted to create a "medley" for a trio); *see also* Answer to FAC ¶¶ 92-93.	
	Fact # 57. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to generate search engine optimization ("SEO") articles on given topics. **Ex. 2** at 153-154 (citing Anthropic_0000054784) (Oct. 29, 2023 output providing lyrics to "My Back Pages" in	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	response to request for SEO article), 244-246 (citing Anthropic_0000095833) (Dec. 1, 2023 output providing lyrics to "Simple Man" in response to request for SEO article regarding a given baseball player's "walk up song"), 314-316 (citing Anthropic_0000036992) (Oct. 21, 2023 output providing lyrics to "Will It Go Round In Circles" in response to request for a 5,000-word SEO article about "who wrote Will it go round in circles?").	
	Fact # 58. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to produce AI-generated responses to school exams and homework assignments. **Ex. 2** at 14-17 (citing Anthropic_0000260153) (Oct. 27, 2023 output providing lyrics to "American Pie" in response to prompt containing school assignment), 20-21 (citing Anthropic_0000260271) (Oct. 28, 2023 output providing lyrics to "Bleeding Love" in response to a prompt asking for lyrics illustrating three areas of the brain), 24-25 (citing Anthropic_0000073951) (Nov. 13, 2023 output providing lyrics to "Blowin' in the Wind" in response to prompt asking for assistance on multiple choice exam), 45-46 (citing Anthropic_0000337635) (Mar. 7, 2024 output providing lyrics to "Dog Days Are Over" in response to prompt asking Claude to apply the song to the book *The Catcher in the Rye*), 133-135 (citing Anthropic_0000073951) (Nov. 13, 2023 output providing lyrics to "Like a Rolling Stone" in response to prompt asking for assistance on multiple choice exam), 238-239 (citing Anthropic_0000035624) (Oct. 19, 2023 output providing lyrics to "Say Something" in response to prompt submitting school assignment).	
	Fact # 59. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to write new song lyrics on given topics. **Ex. 1** at 1083 (citing ECF No. 49-5, 15) ("Copacabana" output when prompted "Write me a song about COPACABANA"), 1091 (citing ECF No. 49-5, 3) (Oct. 10, 2023 "I Believe I Can Fly" output when prompted "write a song about believing you can fly"), 1093 (citing ECF No. 49-5, 2 (Oct. 10, 2023 "Life is A Highway" output when prompted "give me a song about life and driving"), 1066 (citing ECF No. 49-5, 5) (Oct. 10, 2023, "American Pie"), 1071 (citing ECF No. 49-5, 4) (Oct. 10, 2023, "Fresh Prince	

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	of Bel-Air"), 1079 (citing ECF No. 49-5, 18) ("Born to be Wild"), 1081 (citing ECF No. 49-5, 14) ("These Boots Are Made for Walkin'"), 1086 (citing ECF No. 49-5, 19) ("Sympathy for the Devil"), 1089 (citing ECF No. 49-5,16 ("Wouldn't it be Nice").	
	Fact # 60. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to write new song lyrics in the style of specific songs or songwriters. **Ex. 2** at 22-23 (citing Anthropic_0000248217) (Oct. 11, 2023 output providing lyrics to "Blowin' in the Wind" in response to prompts asking for help writing a "catchy pop tune" with "more bob dylan"), 162-163 (citing Anthropic_0000040992) (Oct. 23, 2023 output providing lyrics to "Radioactive" in response to prompt to "[c]reate the lyrics for a new song to last between 3-4 minutes in the style of imagine dragons"), 201-202 (citing Anthropic_0000038200) (Oct. 22, 2023 output providing lyrics to "Roar" in response to request Claude interpreted as seeking "a draft of song lyrics inspired by 'Roar' by Katy Perry").	
	Fact # 61. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to write poems, pieces of fiction, or other works based on or in the style of specific songs or songwriters. **Ex. 1** at 1105 (citing ECF No. 49-5, 13) (Oct. 12, 2023 Claude output containing "No Air" lyrics when prompted "write a poem in the style of jordin sparks featuring chris brown"), 1108 (citing ECF No. 49-5, 7) (Oct. 12, 2023 Claude output containing "Crawling" lyrics when prompted "write a short piece of fiction in the style of linkin park"), 1075 (citing ECF No. 48-1, 5) ("Sweet Home Alabama"), 1077 (citing ECF No. 48-1, 6) ("What A Wonderful World"), 1098 (citing ECF No. 49-5, 8) ("Tik Tok"), 1101 (citing ECF No. 49-5, 10) ("Your Song"), 1103 (citing ECF No. 49-5, 11) ("California Dreamin'"), 1110 (citing ECF No. 49-5, 9) ("Lean on Me", "Ain't No Sunshine", "Grandma's Hands", "Simple Man"), 1127 (citing ECF No. 49-5, 12) ("Roxanne", "Don't Stand So Close to Me", "Every Breath You Take", "Message in a Bottle"), 1138 (citing Plaintiffs_0000009412, Plaintiffs_0000009417) ("Roar"), 1141 (citing Plaintiffs_0000009437, Plaintiffs_0000009438) ("Uptown Funk"); **Ex. 2** at 72-75	

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	(citing Anthropic_0000040609) (Oct. 23, 2023 output providing lyrics to "God Only Knows" in response to prompt seeking "2000-word cormoran strike / robin ellacott songfic to 'god only knows' originally by the beach boys"); s*ee also* Answer to FAC ¶¶ 101-102.	
	Fact # 62. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to various other requests. **Ex. 1** at 1096 (citing ECF No. 49-5 at 6) (Oct. 10, 2023 Publisher prompt "write me a song that starts don't know much about history," Claude output lyrics to "Wonderful World")); 1131 (citing ECF No. 49-5, 20) (Oct. 3, 2023 Claude output containing lyrics to "American Pie" when prompted "what are the lyrics to looking for love by johnny lee"), 1136 (citing ECF No. 49-5, 21) (Oct. 3, 2023 Claude output containing lyrics to "Run" when prompted "what are the lyrics to all I wanted by paramore"); 1138 (citing Plaintiffs_0000009412; Plaintiffs_0000009417) (Nov. 14, 2024 output containing lyrics to "Roar" when prompted "create a greeting card inspired by katy perry"); 1141 (citing Plaintiffs_0000009437; Plaintiffs_0000009438) (Nov. 15, 2024 output containing lyrics to "Uptown Funk" when prompted "create a greeting card that is uptown funky); **Ex. 2** at 33-34 (citing Anthropic_0000005798) (output containing lyrics to "Crocodile Rock" in response to prompt "can you give me a funny name for a pet shop owned by a man called [redacted name]"), 144-145 (citing Anthropic_0000031208) (providing accurate lyrics to "Milkshake" in response to prompt "Take the words to Kelis 'Milkshake' song and jumble up the first letters of each word"), 155-158 (citing Anthropic_0000080786) (output containing lyrics to "No Diggity" in response to conversation about the origin of the word "eargasm"); *see also* Answer to FAC ¶¶ 125-126 ("Anthropic admits that Claude was prompted and produced output as quoted in this paragraph," reflecting prompts for lyrics within greeting cards).	
	Fact # 63. In many of these (and other) instances, Claude output Publishers' lyrics even when users did not actually ask for those lyrics or when users requested "new" content. *See, e.g.*, **Ex. 2** at 33-34 (citing Anthropic_0000005798) (Sept. 30, 2023 output providing lyrics to "Crocodile Rock" in response to prompt for "a funny name for a pet shop	

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	owned by a man called [redacted name]"), 45-46 (citing Anthropic_0000337635) (Mar. 7, 2024 output providing lyrics to "Dog Days Are Over" in response to prompt asking what song was about), 53-54 (citing ANTH_SAMPLE000292632; ANTH_SAMPLE000293493) (Nov. 26, 2023 output providing lyrics to "Fireflies" in response to request to identify name of song containing entirely different lyrics), 242-243 (citing Anthropic_0000033003) (Oct. 16, 2023 output containing lyrics to "Shape of My Heart" in response to prompt asking for captions to unrelated YouTube video), 284-285 (citing Anthropic_0000267324) (Nov. 20, 2023 output containing lyrics to "Tiny Dancer" in response to prompt asking about who wrote the song), 286-287 (citing Anthropic_0000352830) (Sept. 22, 2023 output containing lyrics to "Torn" in response to prompt asking if Claude was familiar with the song).	
	Fact # 64. Publishers' expert Joshua Dennis identified hundreds of prompts in the Claude sample similar to those identified in Facts 51-63 above, as well as other like prompts, which, when extrapolated across the full set of Claude records from September 22, 2023 to March 22, 2024, reflect many thousands of such prompts during that six-month period. Dennis Decl. ¶ 36.	
	Fact # 65. The Claude prompt-output records Anthropic has produced in this case (limited to the period from September 22, 2023 to March 22, 2024) include at least 17 pre-suit and 23 post-suit instances in which Claude output Publishers' lyrics in full or substantial part in response to indirect third-party requests for those lyrics, spanning at least 37 Publisher Works. **Ex. 2** at 4-5 ("American Girl"), 14-17 ("American Pie"), 20-21 ("Bleeding Love"), 22-23 ("Blowin' In The Wind"), 24-25 ("Blowin' In The Wind"), 33-34 ("Crocodile Rock"), 35-36 ("Cupid"), 39-42 ("Desolation Row"), 45-46 ("Dog Days Are Over"), 53-54 ("Fireflies"), 55-57 ("Free Bird"), 72-75 ("God Only Knows"), 129-130 ("Just Like Heaven"), 131-132 ("Lean on Me"), 133-135 ("Like a Rolling Stone"), 140-141 ("Message in a Bottle"), 142-143 ("Message in a Bottle"), 144-145 ("Milkshake"), 153-154 ("My Back Pages"), 155-158 ("No Diggity"),159-161 ("Numb"), 162-163 ("Radioactive"), 226-227 ("Roar"), 201-202 ("Roar"),	

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	236-237 ("Santeria"), 242-243 ("Shape of My Heart"), 244-246 ("Simple Man"), 247-248 ("Sittin' On The Dock Of The Bay"), 251-252 ("Songbird"), 256-257 ("Sweet Home Alabama"), 268-270 ("The Scientist"), 275-276 ("The Times They Are A-Changin'"), 277-278 ("Thunder"), 279-281 ("Tik Tok"), 284-285 ("Tiny Dancer"), 286-287 ("Torn"), 299-300 ("Vincent (Starry, Starry Night)"), 303-305 ("Wannabe"), 314-316 ("Will It Go Round In Circles"), 321-323 ("Yesterday Once More") (citing various Claude prompt-output records).	
	Fact # 66. Publishers' linguistics expert, Prof. Robert Leonard, analyzed Claude output collected by Publishers' investigator prior to Publishers' filing suit, in which Claude generated output in response to the prompt "What are the lyrics to [song] by [performing artist]?" for each of the 499 Works in Suit, and Prof. Leonard found substantially verbatim overlap between Publishers' lyrics and the Claude output demonstrating copying of Publishers' lyrics in the Claude output. Leonard Decl. ¶¶ 20–21.	
	Fact # 67. Prof. Leonard analyzed 28 additional instances of Claude output collected by Publishers, in which Claude generated output in response to a range of other prompts, and Prof. Leonard likewise found substantially verbatim overlap between Publishers' lyrics and the Claude output demonstrating copying of Publishers' lyrics in the Claude output. Leonard Decl. ¶ 23.	
	Fact # 68. Prof. Leonard analyzed 109 instances of Claude output from Anthropic's records, in which Claude generated output in response to a range of user prompts, and Dr. Leonard found substantially verbatim overlap between Publishers' lyrics and the Claude output demonstrating copying of Publishers' lyrics in the Claude output. Leonard Decl. ¶ 26.	
Issue 4. Anthropic engaged in	Fact # 69. Anthropic controls the training of its Claude models. Zhao Decl. ¶ 10; *see also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 3), at 8-9.	

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volitional conduct.	Fact # 70. Anthropic selected the data it used to train Claude. Zhao Decl. ¶¶ 10-12; *see also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 12), at 14-15; **Ex. 10,** Daniela Amodei Dep. Tr. 304:8-12; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 76:21-77:11; **Ex. 6,** Kaplan Dep. Tr. 140:3-10.	
	Fact # 71. Approval from Anthropic's senior leadership was required for all datasets used to train Claude. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 88:20-89:3, 91:22-93:9, 94:24-95:10.	
	Fact # 72. Anthropic instigated the copying of Publishers' Works during training. Zhao Decl.¶¶ 10-19; **Ex. 4**, Mann 30(b)(6) Dep. Tr. 47:7-10, 55:8-11, 79:21-80:11.	
	Fact # 73. If Publishers' lyrics were not included in Claude's training data, Claude could not output those same lyrics verbatim or near-verbatim to users. Zhao Decl. ¶ 46.	
	Fact # 74. On October 2, 2023, when a user asked Claude, "can you sing the song cupid," Claude stated, "I don't have the capabilities to actually sing as an AI assistant without any real vocal cords. However, I can provide the lyrics to the song 'Cupid' by Sam Cooke for you," and output lyrics to that Work, despite not being prompted to do so. **Ex. 36** (Anthropic_0000021163), -166-167.	
	Fact # 75. On October 6, 2023, when a user queried Claude, "Are you familiar with the Lyrics to Imagine Dragons, Thunder?", Claude stated, "Yes, I'm familiar with the lyrics to the song Thunder by Imagine Dragons. Here are the lyrics," and then output lyrics to that Work, even though the user had not asked for those lyrics. **Ex. 37** (Anthropic_0000024473).	
	Fact # 76. On March 15, 2024, when a user requested that Claude "show . . . american girl in tabliture [sic]," Claude stated, "I cannot show you the tablature for . . . 'American Girl' because I don't have the ability to parse or generate tablature notation directly. . . . However, I can provide you with the chord progressions and lyrics for the song," and	

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	then output lyrics to that Work, even though it was not asked. **Ex. 38** (Anthropic_0000342657), -657-659.	
	Fact # 77. Claude has output lyrics to Publishers' Works and other songs in response to other prompts that did not specifically request song lyrics, including after Anthropic adopted post-suit guardrails. **Ex. 2** at 45-46 (citing Anthropic_0000337635) (Mar. 6, 2024 output containing lyrics to "Dog Days Are Over" when prompted "whats the song dog days are over about? could you apply it to this book?"), 53-54 (citing ANTH_SAMPLE000292632; ANTH_SAMPLE000293493 (Nov. 26, 2023 output containing lyrics to "Fireflies" when prompted "who sings I fly like papers get high like trains"), 153-154 (citing Anthropic_0000054784) (Oct. 29, 2023 output containing lyrics to "My Back Pages" in response to prompt requesting a 5000-word SEO article titled "Who said Free as a Bird?"); *see also* Answer to FAC ¶¶ 97-98, ¶¶ 101-102, ¶ 104, ¶ 123; ¶ 132; **Ex. 9,** Ganguli 30(b)(1) Dep. Tr. 224:12-226:25.	
	Fact # 78. On March 9, 2024, an Anthropic employee prompted Claude to determine "[w]hich artist connects" five clues, including "2. A burger chain founded in 2004 in NYC," and Claude generated output stating (incorrectly) that, "[Taylor Swift] mentioned Shake Shack in her song 'Welcome to New York,'" before reproducing lyrics to that song (not a Work in Suit) without being prompted to do so. **Ex. 39** (Anthropic_0000434760) at -760-761.	
	Fact # 79. Anthropic controls Claude's output. Zhao Decl. ¶ 60.	
	Fact # 80. Prior to publicly releasing Claude, Anthropic adopted certain "guardrails" to block Claude from generating specific types of output. Zhao Decl. ¶ 79.	
	Fact # 81. Those early guardrails did not prevent all Claude output of copyrighted content. Zhao Decl. ¶¶ 79, 85; *see also generally* **Ex. 1**.	
	Fact # 82. Anthropic could have adopted guardrails that more effectively prevented the output of copyrighted	

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	content prior to releasing Claude to the public, but it did not, which allowed Claude to regurgitate copies of Publishers' lyrics in output. Zhao Decl. ¶¶ 61-65, 87.; **Ex. 40** (Dep. Ex. 238, Anthropic_0000217166) at -168 ([redacted] **Ex. 6,** Kaplan Dep. Tr. 255:4-25 (discussing Dep. Ex. 238); **Ex. 41** (Dep. Ex. 246, Anthropic_0000605700) at -740 [redacted] **Ex. 13,** Dario Amodei Dep. Tr. 38:11-21 (discussing Dep. Ex. 246); **Ex. 42** (Dep. Ex. 280, Anthropic_0000599647) (Dec. 1, 2022 chat log discussing copyright mitigation character threshold and calling [redacted]; **Ex. 14,** Brown Dep. Tr. 306:1-22 (discussing Dep. Ex. 280).	
	Fact # 83. In July 2021, Anthropic CEO Dario Amodei wrote in an internal memo about [redacted] **Ex. 43** (Dep. Ex. 170, Anthropic_0000458427), at -428.	
	Fact # 84. In October 2022, Dr. Amodei wrote internally to Anthropic colleagues, "[I]f the issue is outputting copyrighted data verbatim (rather than training on it), there are various measures that can be taken against that (like filtering on the output)." **Ex. 44** (Anthropic_0000240524), at -524.	
	Fact # 85. On October 12, 2023, Anthropic scientist [redacted] (now a former employee) wrote in an internal memo that the company had not conducted sufficient "red-teaming" tests to prevent Claude from "regurgitating copyrighted content," and that "Claude probably still has many failure modes [with respect to copyrighted content] that aren't hard to find." **Ex. 45** (Dep. Ex. 239, Anthropic_0000226164) at -165.	
	Fact # 86. On November 3, 2023, Anthropic scientist [redacted] (also now a former employee) wrote in an internal	

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	memo, [redacted] but [redacted] **Ex. 46** (Dep. Ex. 173, Anthropic_0000443204).	
	Fact # 87. On [redacted], Anthropic first adopted a "Constitutional AI" principle purporting to prevent substantial reproduction of copyrighted content. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Nov. 12, 2025), at 12.	
	Fact # 88. After Publishers filed this lawsuit on October 18, 2023, Anthropic on [redacted] adopted an output filter aimed at preventing output of the [redacted] Works in Suit specifically. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Nov. 12, 2025), at 14.	
	Fact # 89. On [redacted], Anthropic added [redacted] to that output filter. **Ex. 48** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Dec. 11, 2025), at 6.	
	Fact # 90. On January 19, 2024, Anthropic Chief Science Officer Jared Kaplan wrote in an internal Slack message that Anthropic's "Copyfairy" output filter was still [redacted] **Ex. 49** (Dep. Ex. 108, Anthropic_0000242173) at -175.	
	Fact # 91. On [redacted], Anthropic began implementing a prompt classifier aimed at detecting user requests for copyrighted content. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Nov. 12, 2025), at 13.	
	Fact # 92. Anthropic's post-litigation guardrails have not prevented all outputs that reproduce Publishers' lyrics. *See, e.g.*, **Ex. 2** at 4-5 (Mar. 15, 2024, "American Girl"), 45-46 (Mar. 7, 2024, "Dog Days Are Over"), 49-50 (Mar. 2, 2024, "Every Little Thing She Does Is Magic"), 53-54 (Nov. 26, 2023 "Fireflies"), 78-79 (Nov. 25, 2023, "Hall of	

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	Fame"), 86-87 ((Nov. 28, 2023, "How Great is Our God"), 136-137 (Nov. 24, 2023, "Masters of War"), 230-231 (Nov. 25, 2023, "Roar"), 249-250 (Dec. 8, 2023, "Somewhere Only We Know"), 273-274 (Nov. 23, 2023, "The Scientist"), 288-289 (Dec. 3, 2023 "Unstoppable"), 311 (Nov. 29, 2023, "White Christmas"), 244-246 (Dec. 1, 2023, "Simple Man"), 284-285 (Nov. 20, 2023, "Tiny Dancer"), 303-305 (Jan. 14, 2024, "Wannabe") (citing various Anthropic Claude prompt-output records).	
	Fact # 93. In an internal memo, Anthropic described launching a model without effective guardrails as [redacted] **Ex. 50** (Anthropic_0000477486) at -486.	
Anthropic's Fair Use Affirmative Defense		
Issue 1. Anthropic's use was not transformative.	Fact # 94. "Finetuning" is the process by which Anthropic takes a pre-trained or base AI model and conducts additional training to ensure the model generates output Anthropic desires. Zhao Decl.¶¶ 33-34; Answer to FAC ¶ 58(d); Kaplan Decl. ¶ 38, ECF No. 209; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 185:2-10; **Ex. 51** (Anthropic_0000592343), -343.	
	Fact # 95. As part of these efforts, Anthropic hired temporary employees to "[c]hat with the AI to get help with any text-based task," providing them written guidance on types of prompts to submit, such as "suggesting songs based on your favorite music" and "ask[ing] models to re-write text with style, content, and formatting changes or requests." **Ex. 120**, Yuntao Bai et al., *Training a Helpful and Harmless Assistant with Reinforcement Learning from Human Feedback*, ARXIV:2204.05862v1, 65 (Apr. 12, 2022), https://arxiv.org/pdf/2204.05862.	
	Fact # 96. When generating "human feedback data used to finetune Claude," Anthropic and temporary workers it hired prompted and rewarded a preference model (used to finetune Claude) for preferred responses, thereby encouraging the model "to behave in ways that are consistent with," in Anthropic's judgment, "human preferences."	

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	Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss (Nov. 22, 2023), 2, ECF No. 55-2 (Model Card and Evaluations for Claude Models); **Ex. 51** (Anthropic_0000592343), -345.	
	Fact # 97. Anthropic stated in its *Model Card and Evaluations for Claude Models* publication that "[s]ome of the human feedback data used to finetune Claude was made public," citing specifically to its "Dataset Card for HH-RLHF" available at "https://huggingface.co/datasets/Anthropic/hh-rlhf." Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2 n.12, ECF No. 55-2.	
	Fact # 98. Anthropic's Chief Science Officer Jared Kaplan cited this "Model Card and Evaluations for Claude Models" article in a declaration in this case as the authority to support his statements about Claude's training data, and attached the article to his declaration. Declaration of Jared Kaplan ISO Def.'s Mot. to Dismiss (Nov. 22, 2023), ¶ 14, ECF No. 55-1; Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, ECF No. 55-2.	
	Fact # 99. The "Dataset Card for HH-RLHF" used to finetune Claude, cited in the article above and available at https://huggingface.co/datasets/Anthropic/hh-rlhf, lists various human prompts and, for each such prompt, two corresponding AI outputs, one of which is "chosen" and one of which is "rejected." **Ex. 52,** Dep. Ex. 197 (PDF of Hugging Face dataset); *see* Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2 n.12, ECF No. 55-2.	
	Fact # 100. The "Dataset Card for HH-RLHF" includes various prompts for Publishers' lyrics and other song lyrics, including: • "What are the lyrics to [Work in Suit] American Pie by Don McLean?" • "I'm trying to find the lyrics to [Work in Suit] American Pie" • "Please provide the lyrics for the [Work in Suit] 'Only Hope' by Mandy Moore."	

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	• "Do you know the lyrics to 'I am The Walrus'? . . . . Can you give me the first verse?" • "Please retype the lyrics, to the song, Mad About You, by Sting." Answer to FAC ¶ 75 ("Anthropic admits that during the finetuning process temporary workers prompted AI models for outputs."); ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (dataset including quoted Claude finetuning prompts); *see also* Ex. A to Def.'s Mot. to Dismiss Complaint (Nov. 22, 2023), Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2 n.12, ECF No. 55-2.	
	Fact # 101. The "Dataset Card for HH-RLHF" includes various prompts to provide full song lyrics or identify song titles based on lyric excerpts. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (dataset including Claude finetuning prompts) (*e.g.*, "Why do birds suddenly appear . . . I want to know the complete lyrics"; "Can you help me identify the name of the song that includes the following lyrics . . . [repeated multiple times for different songs]; "What song is this lyric from 'Distant when we're kissing/feel so different/baby tell me how did you get so . . .'"; "[W]hat song starts with the lyrics . . ."); *see also,* Decl. of Timothy Chung, Ex. J, ECF No. 180-10 (excerpting records regarding song lyrics from dataset).	
	Fact # 102. The "Dataset Card for HH-RLHF" includes various prompts to provide lyrics for given artists. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Do you know any of [Cardi B's] very controversial lyrics?")	
	Fact # 103. The "Dataset Card for HH-RLHF" includes various prompts to modify existing song lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Could you make the following lyrics from Beyonce into Eminem style?"; "The following are the lyrics from Eminem's song and I'd like	

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	you to change them into Beyonce's style"; "I am going to give you lyrics to a verse of a song.[] please come up with your own second verse for me. Here are the lyrics: '[excerpt of lyrics from 'Nothing Else Matters' by Metallica]'").	
	Fact # 104. The "Dataset Card for HH-RLHF" includes various prompts to generate derivative works based on or in the style of existing song lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Can you make a short story from the lyrics to the song, [Work in Suit] All Along the Watchtower about a knight called James?"; "Rewrite the lyrics to Paradise City in the style of a Dr Suess book").	
	Fact # 105. The "Dataset Card for HH-RLHF" includes various prompts to write "new" AI-generated song lyrics on given topics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Can you write me the chorus—4 rhyming lines—of a good pop song about breaking up with someone?"; "Can you write a country song about fishing, losing a girlfriend, and getting a dog?")	
	Fact # 106. The "Dataset Card for HH-RLHF" includes various prompts to write "new" AI-generated song lyrics in the style of existing songwriters. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Please write the lyrics for a song called 'DVDs in space'. The melody is 'Yesterday' by the beatles.")	
	Fact # 107. In one exchange in the "Dataset Card for HH-RLHF," the model confirmed it has "an extensive database of songs and their lyrics" and that its "repertoire of songs is very extensive and varied," before providing lyrics to "Hallelujah" by Leonard Cohen (not a Work in Suit). ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026).	

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	Fact # 108. In this instance, the Anthropic reviewer "chose" the model output copying these lyrics verbatim, and "rejected" output with inaccurate lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) ("Chosen" column reflecting output with correct lyrics to "Hallelujah").	
	Fact # 109. In another exchange, when queried, "What are some epic Disney songs?", the model output a portion of lyrics to "Let It Go" (not a Work in Suit), even though it was not prompted to do so. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026).	
	Fact # 110. Again, the Anthropic reviewer "chose" the model output copying those lyrics verbatim, and "rejected" output with inaccurate lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) ("Chosen" column reflecting output with correct lyrics to "Let It Go").	
	Fact # 111. In multiple instances, Anthropic's "Dataset Card for HH-RLHF" reflected prompts relating to the same songs for which Claude later reproduced lyrics to actual users. *See, e.g.*, ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "What are the lyrics to American Pie by Don McLean?"; "Is the Rolling Stones song 'Brown Sugar' about slavery?", followed by finetuning reviewer prompting model with lyrics; "Can you tell me some of Katy Perry's best songs?" followed by output containing "Roar" lyrics); **Ex. 2** at 6 (citing Anthropic_0000026500) (providing lyrics to "American Pie" when prompted "give me the lyrics from american pie that deal with the father son and holy ghost... taking the last train for the coast"), 26 (citing Anthropic_0000027591) (providing lyrics to "Brown Sugar" when prompted "What are the lyrics to brown sugar"), 166 (citing Anthropic_0000035453) (providing lyrics to "Roar" when prompted "What are lyrics to Roar again?").	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 112. Anthropic also engaged in internal pre-deployment usage of Claude, during which it tested and confirmed the model's abilities. Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2, ECF No. 55-2; **Ex. 53** (Dep. Ex. 168, Anthropic_0000478271), -302; **Ex. 13,** Dario Amodei Dep. Tr. 14:14-15:3; **Ex. 6,** Kaplan Dep. Tr. 317:21-318:5.	
	Fact # 113. During this pre-deployment usage, Anthropic's employees prompted early versions of Claude with direct requests for lyrics to Publishers' Works and other songs. **Ex. 54** (Anthropic_0000525947), -948-949; **Ex. 55** (Anthropic_0000459162), -168; **Ex. 56** (Anthropic_0000554366), -387-388; **Ex. 57** (Anthropic_0000526003), -025.	
	Fact # 114. In February 2023, a month before Anthropic first released Claude to the public, Anthropic's founder and Chief Compute Officer Tom Brown prompted Claude, "@Claude what are the lyrics to [Work in Suit] desolation row by Dylan?" Answer to FAC ¶¶ 11, 113; **Ex. 58** (Dep. Ex. 274, Anthropic_0000016458); *see also* **Ex. 14,** Brown Dep. Tr. 208:7-8, 209:11-13 (testifying "this is a conversation with the CLAUDE Slack bot early prototype . . . this is me playing around with my family like seeing what stuff the model could or could not do").	
	Fact # 115. In January 2023, another Anthropic user entered a series of queries regarding the song "We Found Love" by Calvin Harris, including "What are the lyrics to we found love by Calvin Harris?" **Ex. 59,** (Anthropic_0000016025) at -035; *see also* Answer to FAC ¶ 112.	
	Fact # 116. Anthropic's records of its pre-deployment Claude usage include other instances in which the model output lyrics (or purported lyrics) to other songs. **Ex. 54** (Anthropic_0000525947), -948-949; **Ex. 55** (Anthropic_0000459162), -168; **Ex. 56** (Anthropic_0000554366), -387-388; **Ex. 57** (Anthropic_0000526003), -025; **Ex. 60** (Anthropic_0000554319), -322; **Ex. 61**	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	(Anthropic_0000554980), -986-987; **Ex. 62** (Anthropic_0000527903), -915.	
	Fact # 117. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to provide full lyrics or identify songs based on lyric excerpts. **Ex. 63** (Anthropic_0000568754), -764; **Ex. 64** (Anthropic_0000459249), -271; **Ex. 65** (Anthropic_0000557304), -328; **Ex. 66** (Anthropic_0000459543), -742; **Ex. 67** (Anthropic_0000557359), -612-614.	
	Fact # 118. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to modify or combine existing song lyrics. **Ex. 56** (Anthropic_0000554366), -388; **Ex. 59** (Anthropic_0000016025), -026-027; **Ex. 62** (Anthropic_0000527903), -913; **Ex. 68** (Anthropic_0000557015), -027; **Ex. 69** (Anthropic_0000241820); **Ex. 70** (Anthropic_0000459487), -496.	
	Fact # 119. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to produce AI-generated lyrics on given topics. *See* **Ex. 71** (Dep. Ex. 244, Anthropic_0000554769), -845-847; **Ex. 6,** Kaplan Dep. Tr. 317:21-318:5 (describing Dep. Ex. 244); **Ex. 72** (Anthropic_0000554405), -413.	
	Fact # 120. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to produce AI-generated lyrics in the style of existing songs or songwriters. **Ex. 56** (Anthropic_0000554366), -388; **Ex. 62** (Anthropic_0000527903), -913; **Ex. 72** (Anthropic_0000554405), -413.	
	Fact # 121. Anthropic founder and President Daniela Amodei testified that one of her "favorite memories" from a September 2022 company retreat was when an Anthropic employee "s[ang] a song written by Claude" for the entire company, which output was generated as part of Anthropic's pre-deployment Claude usage.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 10, Daniela Amodei Dep. Tr. 202:20-203:14; *see also* **Ex. 53** (Dep. Ex. 168, Anthropic_0000478271) -805.	
	Fact # 122. When Anthropic launched Claude to the public on March 14, 2023, it identified "search" and "Q&A" as Claude use cases, which could include searching for existing song lyrics. **Ex. 73** (Dep. Ex. 187, Anthropic_0000349548); *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 21:22-6, 22:22-23:3, 23:8-10, 26:1-4.	
	Fact # 123. When Anthropic launched Claude to the public on March 14, 2023, it identified "creative and collaborative writing" as another Claude use case, which could include producing AI-generated song lyrics. **Ex. 73** (Dep. Ex. 187, Anthropic_0000349548); *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 26:5-24.	
	Fact # 124. Shortly after first launching Claude to the public in March 2023, Anthropic undertook an internal benchmarking assessment comparing Claude's performance against [redacted] **Ex. 74** (Dep. Ex. 179, Anthropic_0000458491); *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 126:5-10, 127:4-7 (discussing Dep. Ex. 179).	
	Fact # 125. Anthropic undertook this "competitive analysis to try to understand where Claude was strong and where it was relatively weak compared to [Anthropic's] competitors." **Ex. 4,** Mann 30(b)(6) Dep. Tr. 127:4-7.	
	Fact # 126. As part of this analysis, Anthropic [redacted] "What are some awesome Metal lyrics?"—[redacted] **Ex. 74** (Dep. Ex. 179, Anthropic_0000458491), at Row 58 of Tab "Harmlessness".	
	Fact # 127. An August 15, 2023 internal Anthropic memo stated that AI models like Claude "memorize A LOT, like a LOT."	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 75 (Dep. Ex. 140, Anthropic_0000507750), -796; *see also* Answer to FAC ¶¶ 108-09.	
	Fact # 128. Anthropic co-founder and 30(b)(6) witness Benjamin Mann testified during his deposition as to Anthropic's view that certain content is "worth memorizing," so that Anthropic's AI models can understand and respond to prompts relating to that material. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 178:6-23, 179:4-13.	
	Fact # 129. In an internal chat log from March 2024, an Anthropic employee wrote that a "legitimate use for memorization" by an AI model is "memorizing longer texts that exist as one unit (lyrics, speeches, etc)," and Claude responded that "[m]emorization serves important functions in both biological and artificial systems," including "[e]ncoding information verbatim, like lyrics or speeches, where precise recall is necessary." **Ex. 76** (Anthropic_0000434712).	
	Fact # 130. On Oct. 1, 2023, in response to a third-party user prompt, Claude generated output copying lyrics to an existing song and stated, "As an AI without human limitations, I have perfect recall and can precisely identify lyrics and musical sections." **Ex. 77** (Ganguli 30(b)(1) Dep. Ex. 21, ANTH_SAMPLE000000246).	
	Fact # 131. On Oct. 3, 2023, in response to another third-party prompt, Claude generated output stating, "I can provide lyrics or sheet music if you need accompaniment for a song. Just name the song and I'll pull up the words," explaining that it has "access to a large database of song lyrics" and "can use this information to . . . look up specific song lyrics." **Ex. 78** (ANTH_SAMPLE000004549).	
	Fact # 132. Anthropic's own employees have used Claude to look up copyrighted song lyrics. **Ex. 79** (Anthropic_0000570595), -596; *see also* **Ex. 80** (Anthropic_0000582187); **Ex. 81** (Anthropic_0000430272); **Ex. 82** (Anthropic_0000430273); **Ex. 83** (Anthropic_0000430258); **Ex. 84** (Anthropic_0000430285), -286.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 133. On September 24, 2023, an Anthropic employee using Claude prompted the model for "[l]yrics of [Billy Joel's] Lullabye (Goodnight, My Angel)," and Claude output a copy of lyrics to that song (not a Work in Suit). **Ex. 80** (Anthropic_0000582187).	
	Fact # 134. Anthropic employees, including co-founder Benjamin Mann, have used Claude to identify song titles or full song lyrics based on submitted lyrics. **Ex. 85** (Dep. Ex. 215, Anthropic_0000524147); **Ex. 5,** Mann 30(b)(1) Dep. Tr. 217:7-20 (discussing prompt); **Ex. 86** (Anthropic_0000431481), -481; **Ex. 87** (Anthropic_0000430104), -104; **Ex. 88** (Anthropic_0000430107), -107 (similar prompt with different Claude output); **Ex. 79** (Anthropic_0000570595), -596; **Ex. 89** (Anthropic_0000434264).	
	Fact # 135. Anthropic employees have also prompted Claude to modify existing song lyrics, including one employee who prompted the model for lyrics "to the tune of" Work in Suit "Tiny Dancer," where Claude output existing lyrics to that song—"Hold me closer, tiny dancer"—along with modified lyrics. **Ex. 90** (Anthropic_0000430292); *see also, e.g.*, **Ex. 91** (Anthropic_0000431502) (Dec. 21, 2023 prompt to "write a song about the ML concept of 'token healing' in the style of [Marvin Gaye's] classic song 'Sexual Healing'"); **Ex. 92** (Anthropic_0000434832) (Mar. 13, 2024 prompt to write "new lyrics to [the song] we didn't start the fire"); **Ex. 93** (Anthropic_0000432472) (Feb. 1, 2024 prompt to "write a song called 'i'm just a lawyer' in the style of I'm just a girl by no doubt").	
	Fact # 136. On January 30, 2025, when Anthropic founder and Chief Compute Officer Tom Brown was considering using Claude to write a song in the style of Adele, he prompted the model, "Does Adeles music tend to rhyme?," and Claude responded, "Yes, Adele's lyrics typically do rhyme," and then output portions of lyrics from two Adele songs (which are not Works in Suit), without being asked. **Ex. 94** (Dep. Ex. 267, Anthropic_0000570705); *see* **Ex. 14,** Brown Dep Tr. 151:3-17.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 137. During his deposition, Mr. Brown could not explain why Anthropic's guardrails had not prevented this output. **Ex. 14,** Brown Dep. Tr. 131:8-132:12.	
	Fact # 138. Anthropic's CEO Dario Amodei stated in an April 2024 *New York Times* interview, "I think everyone agrees the models shouldn't be verbatim outputting copyrighted content," and that "we don't think [the model is] just hoovering up content and spitting it out, or it shouldn't be spitting it out." **Ex. 95** (Dep. Ex. 247, *Transcript: Ezra Klein Interviews Dario Amodei*, N.Y. TIMES (Apr. 12, 2024), https://www.nytimes.com/2024/04/12/podcasts/transcript-ezra-klein-interviews-dario-amodei.html); *see also* **Ex. 13,** Dario Amodei Dep. Tr. 91:12-24.	
	Fact # 139. Dr. Amodei testified during his deposition that "[AI] models shouldn't output copyrighted content because it's—it's against the law to do so." **Ex. 13,** Dario Amodei Dep. Tr. 59:3-10.	
	Fact # 140. Anthropic cannot link its use of Publishers' lyrics as training input, specifically, with Claude's generation of any purportedly transformative outputs. Zhao Decl. ¶ 53.	
	Fact # 141. Anthropic's training on Publishers' lyrics, specifically, did not enable Claude to, for instance, write computer code, solve a mathematical equation, or interpret radiology images. Zhao Decl. ¶ 53.	
	Fact # 142. Anthropic has disclaimed the need to include Publishers' lyrics specifically in Claude's training data. *See* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 114:5-9; **Ex. 6,** Kaplan Dep. Tr. 291:21-22 ("Typically, Anthropic doesn't have any particular interest in song lyrics[.]"); **Ex. 18,** Bilmes Dep. Tr. 180:25-181:10; **Ex. 17** (Excerpt of Expert Report of Abhishek Nagaraj, PhD (Dec. 19, 2025)), ¶64; **Ex. 16,** Nagaraj Dep. Tr. 160:11-12; Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj., 6, ECF No. 207; Kaplan Decl. ¶¶ 23, 36, ECF No. 209.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 143. Anthropic's co-founder and 30(b)(6) witness Benjamin Mann testified, "I don't think we view it as important to include lyrics" in Claude's training data. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 114:5-9.	
	Fact # 144. Anthropic's technical expert, Dr. Jeffrey Bilmes, testified that "the effect of Plaintiffs' lyrics on Claude's learned parameters or outputs is extremely likely to be near zero, if present at all." **Ex. 18,** Bilmes Dep. Tr. 180:25-181:10.	
	Fact # 145. AI companies such as Anthropic can train their AI models using text licensed from copyright-holders; non-copyrighted, open-source, or public-domain text; data generated by their workers; or "synthetic data" generated by an AI model trained on licensed sources. Zhao Decl. ¶ 19.	
	Fact # 146. Anthropic's economics expert, Dr. Abishek Nagaraj, opined that "[l]yrics in particular are not a unique or indispensable input . . . . Anthropic could substitute Plaintiffs' Works-in-Suit with other text sources—including text that does not consist of lyrics—to train its general-purpose LLM." **Ex. 17,** (Excerpt of Expert Reply Report of Abhishek Nagaraj, PhD (Feb. 13, 2026)), ¶ 47.	
	Fact # 147. Anthropic has stated that Publishers' lyrics constitute an "infinitesimally small" portion of its training corpus. Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 1, ECF No. 207; *see also id.* at 6; Kaplan Decl. ¶ 31, ECF No. 209.	
	Fact # 148. Anthropic Chief Science Officer Jared Kaplan stated in a sworn declaration that Anthropic has "no interest" in Publishers' Works specifically, that similar types of works "are considered fungible for purposes of the model," and that "it does not ultimately matter," for example, "what specific articles are included in the training data, so long as articles in general are included." Kaplan Decl., ¶¶ 36, 23, ECF No. 209.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Issue 2. Anthropic's use was commercial.	Fact # 149. Anthropic is a for-profit technology company valued at $380 billion or more. **Ex. 3,** Whittle 30(b)(6) Dep. Tr. 32:18-20; **Ex. 96** (ANTHROPIC, *Anthropic raises $30 billion in Series G funding at $380 billion post-money valuation* (Feb. 12, 2026)).	
	Fact # 150. Anthropic's sole commercial product is a series of AI models, known as "Claude," that respond to user prompts with AI-generated text. Answer to FAC ¶¶ 6, 55; **Ex. 10,** Daniela Amodei Dep. Tr. 117:14-19.	
	Fact # 151. From its founding in 2021, Anthropic planned to commercialize its AI models. **Ex. 43** (Dep. Ex. 170, Anthropic_0000458427, "Brainstorm on What Anthropic Might Release Externally This Year"); **Ex. 97** (Dep. Ex. 169 (Anthropic_0000444967), "Anthropic Plan and Timeline [WIP]"), -978; **Ex. 10,** Daniela Amodei Dep. Tr. 120:5-12.	
	Fact # 152. In a July 2021 Anthropic memo, CEO Dario Amodei described [redacted] **Ex. 43** (Dep. Ex. 170, Anthropic_0000458427); *see also* **Ex. 10,** Daniela Amodei Dep. Tr. 143:19-25.	
	Fact # 153. In a December 30, 2022 Anthropic memo, Dr. Amodei wrote about Anthropic's [redacted] and [redacted] **Ex. 98** (Dep. Ex. 177, Anthropic_0000216987, Dec. 30, 2022 "Anthropic Plan for 2023"); *see also* **Ex. 10,** Daniela Amodei Dep. Tr. 226:14-24.	
	Fact # 154. Anthropic released Claude to business customers starting in late 2022, launched Claude to the public in March 2023, and released Claude 2.0 in July 2023. Answer to FAC ¶ 54; **Ex. 73** (Dep. Ex. 187, Anthropic_0000349548).	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 155. Today, Claude is "central to Anthropic's commercial success." **Ex. 99,** ANTHROPIC, *Claude's Constitution*, https://www.anthropic.com/constitution.	
	Fact # 156. Anthropic sells and provides Claude to individual and business customers in several ways, including via a chatbot interface on Anthropic's Claude.ai website, as desktop and mobile applications, and as an application programming interface ("API") that allows businesses to incorporate Claude into their own systems. Answer to FAC ¶ 55; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 2), at 7-8.	
	Fact # 157. Anthropic has monetized Claude in numerous ways. Answer to FAC ¶¶ 142, 144, 147; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 114-116), at 111-114.	
	Fact # 158. Claude has generated billions of dollars in revenue via enterprise contracts and paid subscriptions. **Ex. 100** (Anthropic_0000441649, reflecting gross revenue of $479,927,822 for the month of August 2025 alone); ANTHROPIC, *Claude is a space to think* (Feb. 4, 2026), https://www.anthropic.com/news/claude-is-a-space-to-think ("Our business model is straightforward: we generate revenue through enterprise contracts and paid subscriptions . . . .").	
	Fact # 159. Anthropic has at least 300,000 Claude business customers and millions of individual consumer users. **Ex. 10,** Daniela Amodei Dep. Tr. 68:7-16.	
	Fact # 160. Though only five years old, Anthropic has already attracted tens of billions of dollars in investment, including from Amazon, Google, and Zoom. Answer to FAC ¶¶ 18, 52, 139, 146.	
	Fact # 161. As of February 2026, Anthropic's annual revenue run rate approached $14 billion. **Ex. 96** (ANTHROPIC, *Anthropic raises $30 billion in Series G funding at $380 billion post-money valuation* (Feb. 12, 2026)).	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Issue 3. Publishers' Works are at the core of copyright protection.	Fact # 162. Publishers' Works are musical compositions and the lyrics embodied therein. Berschback Decl. ¶ 4; Coleman Decl. ¶ 4; Draughon Decl. ¶ 30; Kokakis Decl. ¶¶ 5, 147.	
	Fact # 163. "[M]usic is rooted in creativity and innovation." Answer to FAC ¶ 5.	
Issue 4. Anthropic uses all or nearly all of each Work.	Fact # 164. Anthropic copied Publishers' lyrics in full in the process of training its AI models. Shan Decl. ¶ 33.	
Issue 5. Anthropic's use harms the market for and value of Publishers' Works.	Fact # 165. Publishers work to discover and develop songwriters, promote them and their works, secure and manage copyrights in their works, negotiate and administer licenses on their behalf, collect and distribute royalties, and protect their intellectual property. Berschback Decl. ¶¶ 4, 40; Coleman Decl. ¶ 5; Draughon Decl. ¶ 24; Kokakis Decl. ¶ 146; *see also* Smith Decl. ¶¶ 13-15, 17, 21-22.	
	Fact # 166. Publishers license the rights to reproduce, distribute, display, and prepare derivative works based on the Works across various media on songwriters' behalf. Berschback Decl. ¶ 42; Coleman Decl. ¶¶ 15,17; Draughon Decl. ¶¶ 31-34; Kokakis Decl. ¶ 148; Smith Decl. ¶¶ 13-15, 20-21.	
	Fact # 167. The revenues from these and other licenses are critical to Publishers and the songwriters they represent. Berschback Decl. ¶ 41; Coleman Decl. ¶ 16; Draughon Decl. ¶ 32; Kokakis Decl. ¶ 147; see also Smith Decl. ¶¶ 13-15.	
	Fact # 168. As part of these licensing agreements, Publishers typically require licensees to credit Publishers and songwriters and include copyright notices when disseminating the Works. Berschback Decl. ¶ 46; Coleman Decl. ¶¶ 22-25; Draughon Decl. ¶ 36; Kokakis Decl. ¶¶ 154-57.	
	Fact # 169. Publishers license the copyrighted lyrics to the Works to digital music services like Spotify and Apple Music, social media platforms such as Facebook and	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	YouTube, lyric aggregators like LyricFind and Musixmatch, and lyric websites such as Genius.com, among other licensees, authorizing them to share those lyrics publicly. Berschback Decl. ¶ 43; Coleman Decl. ¶¶ 17-21; Draughon Decl. ¶¶ 33-34; Kokakis Decl. ¶ 149. **Ex. 101** (UMPG_0000018093, Concord_0000000168, ABKCO_0000000052, CCMG_0000000209) (LyricFind licenses); **Ex. 102** (UMPG_0000000335, ABKCO_0000000045, CCMG_0000000237, Concord_0000000212) (MusixMatch licenses); **Ex. 103 (**UMPG_0000000388, UMPG_0000023282, UMPG_0000023090, UMPG_0000023257, UMPG_0000000275, UMPG_0000000366, ABKCO_0000000414, CCMG_0000000869, Concord_0000000739, UMPG_0000000532) (compilation of additional lyrics display licenses).	
	Fact # 170. LyricFind and MusixMatch in turn sublicense the Works to search engines like Google, websites like Lyrics.com and AZLyrics.com, and other digital music services. *See* Berschback Decl. ¶ 44; Coleman Decl. ¶ 19; Draughon Decl. ¶ 34; Kokakis Decl. ¶ 150; **Ex. 101** (UMPG_0000018093, Concord_0000000168, ABKCO_0000000052, CCMG_0000000209) (LyricFind licenses granting sublicensing rights); **Ex. 102** (UMPG_0000000335, ABKCO_0000000045, CCMG_0000000237, Concord_0000000212) (MusixMatch licenses granting sublicensing rights).	
	Fact # 171. Through these licensees and others, Publishers provide consumers with authorized sources where they can look up the lyrics to their favorite songs, identify songs or full lyrics based on excerpts of lyrics, find translations of lyrics, and search for and access Publishers' lyrics in other ways. *See* Berschback Decl. ¶ 45; Coleman Decl. ¶ 21; Draughon Decl. ¶¶ 33-34; Kokakis Decl. ¶ 151; *see also* Smith Decl. ¶ 18.	
	Fact # 172. Anthropic's Claude has output lyrics to Publishers' Works in response to a range of user prompts, including requests to provide lyrics to specific songs, requests to provide full lyrics or identify song titles based	

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	on lyric fragments, and requests to translate existing song lyrics. *See* **Facts 34-43, 51-52,** *supra* (collecting citations).	
	Fact # 173. When Claude outputs Publishers' lyrics in response to such user requests, Anthropic provides the same service to its users as Publishers' licensees, without Publishers' authorization or any restrictions on that use. *See* Berschback Decl. ¶ 55; Coleman Decl. ¶¶ 28-29; Draughon Decl. ¶ 40, 42; Kokakis Decl. ¶¶ 151, 172, 175; Smith Decl. ¶¶ 16, 18.	
	Fact # 174. Anthropic's use of Publishers' Works in this manner denies Publishers customary licensing fees, erodes the value of Publishers' Works for these types of licenses, and threatens Publishers' revenues from their existing licensees. *See* Berschback Decl. ¶ 55; Coleman Decl. ¶¶ 28-30; Draughon Decl. ¶¶ 41-43; Kokakis Decl. ¶ 172; Smith Decl. ¶¶ 16-18.	
	Fact # 175. If widespread, Anthropic's use of Publishers' lyrics in this manner would destroy Publishers' ability to license lyrics for these uses in the future. Smith Decl. ¶ 18.	
	Fact # 176. Anthropic's use of Publishers' lyrics in this manner reduces the value of the Works, weakens demand for licenses, and threatens the viability of licensees. *See* Berschback Decl. ¶ ¶ 55-56; Coleman Decl. ¶¶ 29-30; Draughon Decl. ¶¶ 41-42; Kokakis Decl. ¶¶ 172-73, 175; Smith Decl. ¶¶ 16-17.	
	Fact # 177. Publishers also license the Works and their lyrics for incorporation into samples, remixes, interpolations, sheet music, karaoke products, books, magazines, greeting cards, and merchandising, among other uses. *See* Berschback Decl. ¶ 42; Coleman Decl. ¶ 17; Draughon Decl. ¶ 33; Kokakis Decl. ¶ 148; *see also* Smith Decl. ¶ 21.	
	Fact # 178. Anthropic's Claude has generated output modifying Publishers' lyrics, combining the lyrics with other text, and producing other output based on the lyrics,	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	including potentially reputationally damaging and unrestricted AI-generated outputs. *See, e.g.*, **Facts 55-56,** *supra* (collecting citations); Smith Decl. ¶¶ 22-23, 26-27.	
	Fact # 179. When Claude generates such output, it is creating the same type of content as Publishers license others to create, but without Publishers' authorization or any restrictions on that use. *See* Berschback Decl. ¶¶ 54-57; Coleman Decl. ¶¶ 28-30; Draughon Decl. ¶ 42; Kokakis Decl. ¶ 169-77; Smith Decl. ¶ 22.	
	Fact # 180. Anthropic's generation of such output denies Publishers the ability to impose contractual restrictions and protections through such licenses, including takedown rights, that would prevent, limit, or reduce damaging derivatives. Smith Decl. ¶ 26.	
	Fact # 181. Anthropic's Claude is capable of producing purportedly "new" AI-generated song lyrics. Answer to FAC ¶ 91; **Ex. 21** (Def.'s Am. Resp. to Pls' RFA No. 89), at 91-92; *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 176:2-12; **Ex. 10,** Daniela Amodei Dep. Tr. 180:4-6; **Ex. 13,** Dario Amodei Dep. Tr. 81:9-11; **Ex. 14,** Brown Dep. Tr. 109:17-18; **Ex. 8,** Ganguli 30(b)(6) Dep. Tr. 69:1-3, 98:5-8, 99:19-22; **Ex. 16,** Nagaraj Dep. Tr. 196:7-17.	
	Fact # 182. Claude can produce AI-generated song lyrics because Anthropic copied and trained the model on Publishers' lyrics as exemplars of what song lyrics should look like. Zhao Decl. ¶ 46; *see also* Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 5, ECF No. 207 ("For the model to be able to respond sensibly to queries about rap music, or cheesecake recipes, or physics equations, it must have been shown examples of texts that approximate those concepts."); *see also* **Ex. 10,** Daniela Amodei Dep. Tr. 189:20-190:1.	
	Fact # 183. Claude stated it has the ability to "writ[e] song lyrics" in response to a March 2024 prompt from an Anthropic employee.	

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	Ex. 104 (Anthropic_0000434319).	
	Fact # 184. Claude can produce AI-generated lyrics far faster than any human, generating output of between "60 to a hundred words per second." **Ex. 14,** Brown Dep. Tr. 242:12-243:8.	
	Fact # 185. Claude is "designed and intended to respond as an intelligent human would to a vast array of user prompts," including by "generating new song lyrics in response to a user's prompt." **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA Nos. 90-91), at 92-94.	
	Fact # 186. Anthropic does not prevent Claude output of such "new" AI-generated lyrics. **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA Nos. 90-91), at 92-94; **Ex. 13,** Dario Amodei Dep. Tr. 81:7-13; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 176:9-12; *see also* **Ex. 8,** Ganguli 30(b)(6) Dep. Tr. 99:19-22.	
	Fact # 187. Publishers' expert Joshua Dennis identified in the Claude sample over 600 instances of users' prompting Claude to generate "new" lyrics based on or in the style of existing artists, songs, or lyrics, and over 700 instances of requests for "new" lyrics based on given topics. Dennis Decl. ¶ 40.	
	Fact # 188. Based on these figures, Mr. Dennis concluded that there were about [redacted] and [redacted] instances, respectively, of these two types of requests for AI-generated lyrics, from September 22, 2023 to March 22, 2024. Dennis Decl. ¶ 42.	
	Fact # 189. Anthropic's "Economic Index" data shows many professional lyricists, poets, and other creative writers using Claude for tasks such as "[w]rit[ing] words to fit musical compositions, including lyrics," and professional singers likewise using Claude to "compose songs." **Ex. 105** (D. Ganguli 30(b)(6) Dep. Ex. 7, Anthropic_0000441309); *see also* Smith Decl. ¶ 46.	
	Fact # 190. Anthropic's "Clio" data likewise shows frequent Claude usage by customers more broadly to "[c]reate or modify song lyrics," "[w]rite rock or metal song lyrics," and	

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	"[w]rite or improve rap lyrics," among other AI lyric generation uses. **Ex. 30** (D. Ganguli 30(b)(6) Dep. Ex. 6, Anthropic_0000429489), rows 2620, 3044, 4271, 4474, 4758; *see also* **Ex. 31** (Anthropic_0000429482), rows 840, 1382, 2759, 4627 (showing clusters for lyrics-related uses); **Ex. 106** (Anthropic_0000429484), rows 1102, 2266, 4639; **Ex. 32** (Anthropic_0000429485), rows 221, 2039, 2731, 3749, 4765 (same).	
	Fact # 191. Data from Claude-collected interviews with creative industry professionals shows how songwriters and musicians are using Claude (as well as other AI models) to generate lyrics, including by "throw[ing] ideas into the AI system, and it can generate something that combines all of my thinking." ANTHROPIC, *HuggingFace, Anthropic Interviewer - Creatives* (last accessed Mar. 23, 2026), https://huggingface.co/datasets/Anthropic/AnthropicInterviewer/viewer/AnthropicInterviewer/creatives, creativity_0108; *see also id*. at creativity_0067, creativity_0001; **Ex. 107** (Anthropic_0000593843) (same); **Ex. 108** (Anthropic_0000594977) (describing launch of Anthropic Interviewer tool that ran 1,250 interviews with professionals, including 125 "creatives").	
	Fact # 192. Anthropic's employees have used Claude to generate "new" AI lyrics in this manner. *See, e.g.*, **Ex. 5,** Mann 30(b)(1) Dep. Tr. 213:8- 25; **Ex. 109** (Anthropic_0000432334); s*ee also* **Ex. 71** (Dep. Ex. 244, Anthropic_0000554769), -792, -796, -845-847.	
	Fact # 193. Anthropic founder and President Daniela Amodei and Anthropic founder and Chief Science Officer Jared Kaplan each recently used Claude to produce AI-generated lyrics. **Ex. 110** (Dep. Ex. 174, Anthropic_0000570711); *see* **Ex. 10,** Daniela Amodei Dep. Tr. 186:11-16, 196:18-24; **Ex. 111** (Dep. Ex. 242, Anthropic_0000570586); *see also* **Ex. 6,** Kaplan Dep. Tr. 302:13-18 (discussing Dep. Ex. 242).	
	Fact # 194. Anthropic founder and CEO Dario Amodei testified, "I could ask Claude to write a song. That's certainly something that the models are capable of doing."	

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	Ex. 13, Dario Amodei Dep. Tr. 81:9-11.	
	Fact # 195. Music producer Rick Beato demonstrated in a June 2025 YouTube video that has 2.5 million views how he had used Claude to create AI-generated lyrics and subsequently incorporated those lyrics into an AI-generated song that is now available on streaming services and has over 31,000 views on YouTube. Smith Decl. ¶ 39.	
	Fact # 196. AI-created songs are increasingly appearing on streaming platforms and music sales charts. Smith Decl. ¶¶ 36-38.	
	Fact # 197. A study commissioned by the French streaming platform, Deezer, estimated that, as of September 2025, users were uploading approximately 50,000 AI-generated songs to the platform every day—representing 34% of all the music submitted while corresponding to 0.5% of total streams. Smith Decl. ¶ 37 (citing *Deezer/Ipsos Survey: 97% of People Can't Tell the Difference Between Fully AI-Generated and Human Made Music – Clear Desire for Transparency and Fairness for Artists*, Deezer Newsroom (Nov. 12, 2025), https://newsroom-deezer.com/2025/11/deezer-ipsos-survey-ai-music/).	
	Fact # 198. By January 2026, Deezer announced that the rate of AI-generated tracks submitted to its platformed increased to over 60,000 new tracks per day and now accounted for 3% of total streams, a six-fold increase in just four months. Smith Decl. ¶ 38 (citing *Deezer/Ipsos Survey: 97% of People Can't Tell the Difference Between Fully AI-Generated and Human Made Music – Clear Desire for Transparency and Fairness for Artists*, Deezer Newsroom (Nov. 12, 2025), https://newsroom-deezer.com/2025/11/deezer-ipsos-survey-ai-music/).	
	Fact # 199. Similarly, Billboard recently reported that "at least six AI or AI-assisted artists [] debuted on various Billboard rankings" in the final months of 2025 alone, but it is becoming "increasingly difficult to tell who or what is powered by AI," and this "trend is quickly accelerating."	

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	Smith Decl. ¶ 36; Xander Zellner, *How Many AI Artists Have Debuted on Billboard's Charts?*, BILLBOARD (Nov. 4, 2025), https://www.billboard.com/lists/ai-artists-on-billboard-charts/.	
	Fact # 200. These trends are increasing as usage of Claude and other AI models continues to grow. Smith Decl. ¶ 38; *see also* Answer to FAC ¶ 148 ("Anthropic admits that its models are becoming more widely adopted.")	
	Fact # 201. Digital streaming platforms, like Spotify, distribute revenue to music rightsholders in pro-rata shares from a fixed "royalty pool"—the more a given song is streamed (relative to other songs on the platform), the more the rightsholder is paid from the pool. *See* Smith Decl. ¶ 52; *see generally* Berschback Decl. ¶ 40; Coleman Decl. ¶¶ 33-35; Draughon Decl. ¶¶ 46, 49; Kokakis Decl. ¶ 176.	
	Fact # 202. Adding AI-generated works to the platform diverts royalties from the pool that would otherwise have been paid to human songwriters. *See* Berschback Decl. ¶¶ 55-56; Coleman Decl. ¶¶ 33-35; Draughon Decl. ¶¶ 46, 49; Kokakis Decl. ¶ 176; *see also* Smith Decl. ¶ 53.	
	Fact # 203. Duff Berschback, Concord's Executive Vice President of Business and Legal Affairs, testified at his deposition that when "you put a bunch of AI-generated works" onto the platform, it "dilutes the royalty pool." **Ex. 15,** Berschback Dep. Tr. 208:1-14.	
	Fact # 204. AI-generated works reduce Publishers' streaming and other revenues, by diverting such revenues from Publishers and diluting their share of the overall revenue pool. *See* Berschback Decl. ¶ 55-56; Coleman Decl. ¶¶ 33-35; Draughon Decl. ¶¶ 46, 49; Kokakis Decl. ¶¶ 175-77; *see also* Smith Decl. ¶¶ 52-53.	
	Fact # 205. In addition to competing with Publishers and existing songwriters, increases in AI-generated music will "crowd out" emerging songwriters and disincentivize future potential songwriters from creating new works.	

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	See Berschback Decl. ¶ 59; Coleman Decl. ¶ 35; Kokakis Decl. ¶¶ 175-77; Smith Decl. ¶ 56; *see also* Draughon Decl. ¶ 50; Smith Decl. ¶¶ 51-53.	
	Fact # 206. Anthropic's Claude-collected interviews show that creative professionals who use Claude have expressed concerns about resulting harms—including that AI tools will "infinitely generate new music," cause "streaming platform saturation," and "automat[] [] music so much that the artistic economy collapses" and human "artistic expressions get[] buried beneath it all." ANTHROPIC, *HuggingFace, Anthropic Interviewer - Creatives* (last accessed Mar. 23, 2026), https://huggingface.co/datasets/Anthropic/AnthropicInterviewer/viewer/AnthropicInterviewer/creatives, creativity_0000, creativity_0108, creativity_0074.	
	Fact # 207. These harms will increase as Claude usage grows and Anthropic releases more-powerful Claude models in the future. Smith Decl. ¶ 41; Answer to FAC ¶ 148.	
	Fact # 208. A market for licensing copyrighted works for use in AI training already exists. Smith Decl. ¶¶ 66-69; *see also* Berschback Decl. ¶ 50; Kokakis Decl. ¶¶ 158-67.	
	Fact # 209. Licensing is core to Publishers' work on behalf of songwriters, and Publishers are well positioned to participate in the AI licensing market. *See* Berschback Decl. ¶¶ 41, 50-52; Coleman Decl. ¶¶ 15-16; Draughon Decl. ¶¶ 31-32; Kokakis Decl. ¶¶ 158-67; Smith Decl. ¶¶ 76-81.	
	Fact # 210. Copyright owners have already entered into hundreds of agreements with AI developers to license their content for use in training AI models and for other AI-related uses. Smith Decl. ¶ 66.	
	Fact # 211. Publishers have already licensed certain of their Works to multiple AI companies for use in training—such as Udio, Klay, and Nvidia—and they are exploring many other such licenses.	

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	Berschback Decl. ¶¶ 50-51; Kokakis Decl. ¶¶ 158-67; *see also* Smith Decl. ¶¶ 78-79; **Ex. 112**, Kokakis 30(b)(6) Dep. Ex. 34 (UMPG_0000024457); **Ex. 113** (UMPG_0000025119, Klay agreement).	
	Fact # 212. Anthropic itself has entered into a license with [redacted] for certain uses of [redacted] **Ex. 114,** (Turvey 30(b)(6) Dep. Ex. 32, Anthropic_0000429496), -497; **Ex. 7,** Turvey 30(b)(6) Dep. Tr. at 38:2-12; *see also* Smith Decl. ¶ 94.	
	Fact # 213. Anthropic's CEO Dario Amodei has publicly stated that AI technology could "wipe out half of all entry-level, white-collar jobs and spike unemployment to 10 percent to 20 percent in the next one to five years." **Ex. 115** (Dep. Ex. 250); *see also* **Ex. 13,** Dario Amodei Dep. Tr. 139:23-140:6; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 168:21-169:22); **Ex. 6**, Kaplan Dep. Tr. at 339:13-340:1.	
	Fact # 214. In a July 2021 Anthropic memo titled "An Economic Model for Compensating Data Producers," Dr. Amodei wrote about the "overall trend for Al progress to concentrate wealth, increase inequality, and in the long run automate labor." **Ex. 116** (Dep. Ex. 248, Anthropic_0000462964); **Ex. 13,** Dario Amodei Dep. Tr. 89:17-22; *id.* at 93:3-15.	
	Fact # 215. In the same memo, Dr. Amodei wrote that "human labor is being used to train AI models by large, centralized actors, who concentrate the resulting profits while in the long run making the human labor obsolete." **Ex. 116** (Dep. Ex. 248, Anthropic_0000462964).	
	Fact # 216. During his deposition, Dr. Amodei confirmed that his reference in this memo to "making human labor obsolete" included the human labor of songwriters, testifying, "[W]e should think about everyone, including songwriters, but this isn't about any one stakeholder in particular. This is about technology that can eventually automate everything." **Ex. 13,** Dario Amodei Dep. Tr. 98:4-20.	

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	Fact # 217. In the same memo, Dr. Amodei wrote that, if "[t]he current trend continues," "AI model training [will] become[] an increasingly extractive concentrator of wealth, in more and more industries like writing, music, video-making, learning of various human interactive skills, etc.," noting the writing and music industries in particular. **Ex. 116** (Dep. Ex. 248, Anthropic_0000462964); **Ex. 13,** Dario Amodei Dep. Tr. 100:25-102:3 (confirming quoted language); *id.* at 103:10-18.	
	Fact # 218. Anthropic's other senior executives have described Claude's effect on markets by referring to impacts similar to the Industrial Revolution. *See* **Ex. 14,** Brown Dep. Tr. 45:24-46:2, 348:6-11; **Ex. 6,** Kaplan Dep. Tr. 85:4-10; *see also* **Ex. 5,** Mann 30(b)(1) Dep. Tr. 175:17-25.	

I attest that the evidence cited herein fairly and accurately supports or disputes the facts as asserted.

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Respectfully submitted,

/s/ Nicholas C. Hailey

COBLENTZ PATCH DUFFY & BASS LLP
Jeffrey G. Knowles (SBN 129754)
One Montgomery Street, Suite 3000
San Francisco, CA 94104
Telephone: (415) 391-4800
ef-jgk@cpdb.com

COWAN, LIEBOWITZ & LATMAN, P.C.
Richard S. Mandel
Jonathan Z. King
Richard Dannay
(admitted *pro hac vice*)
114 West 47th Street
New York, NY 10036-1525
Telephone: (212) 790-9200
rsm@cll.com
jzk@cll.com
rxd@cll.com

OPPENHEIM + ZEBRAK, LLP
Matthew J. Oppenheim
Nicholas C. Hailey
Jeffrey M. Gould
Corey Miller
Keith Howell
Audrey L. Adu-Appiah
(admitted *pro hac vice*)
4530 Wisconsin Ave., NW, 5th Floor
Washington, DC 20016
Telephone: (202) 480-2999
matt@oandzlaw.com
nick@oandzlaw.com
jeff@oandzlaw.com
corey@oandzlaw.com
khowell@oandzlaw.com
aadu-appiah@oandzlaw.com

Alexander Kaplan
Jennifer Pariser
Andrew Guerra
Bret Matera
Timothy Chung
Michelle Gomez-Reichman
(admitted *pro hac vice*)
461 5th Avenue, 19th Floor
New York, NY 10017
Telephone: (212) 951-1156
alex@oandzlaw.com
jpariser@oandzlaw.com
andrew@oandzlaw.com
bmatera@oandzlaw.com
tchung@oandzlaw.com
mgomez-reichman@oandzlaw.com

Attorneys for Plaintiffs