EXHIBIT 4

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

- - - - - - - - - - - - - - - - x
CONCORD MUSIC GROUP, INC., et al.,
Plaintiffs,
v.
ANTHROPIC PBC,
Defendant.
: Case No. 5:24-cv-03811-EKL-SVK
- - - - - - - - - - - - - - - - x

Highly Confidential
Attorneys' Eyes Only
Pursuant to the Protective Order

Videotaped Deposition of BEN ZHAO, Ph.D.
Chicago, Illinois
Friday, February 20, 2026
9:06 a.m. CST

Job No.: 621063
Pages: 1 - 462
Stenographically Reported By:
Michelle M. Yohler, CSR, RMR, CRR

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Deposition of BEN ZHAO, Ph.D., held at the location of:

ARNOLD & PORTER
70 West Madison Street, Suite 4200
Chicago, Illinois

Pursuant to notice before Michelle M. Yohler, a Certified Shorthand Reporter, Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter, and a Notary Public, CSR No. 84-4531, in and for the State of Illinois.

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A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:
Mr. Ian Chen,
In-House Counsel for Anthropic
Mr. James Porter, Videographer

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins Media Unit 1 in the video deposition of Ben Zhao in the matter of Concord Music Group Inc., et al., versus Anthropic PBC in the United States District Court, Northern District of California, San Jose Division, Case Number 5:24-cv-03811-EKL-SVK.

Today's date is February 20th, 2026, and the time on the video monitor is 9:06 a.m.

The videographer today is James Porter representing Planet Depos.

This video deposition is taking place at Arnold & Porter in Chicago, Illinois.

Would counsel please voice-identify themselves and state whom they represent.

MS. MEHTA: Good morning. Sonal Mehta from WilmerHale on behalf of Anthropic.

MR. HOWELL: Good morning. Keith Howell from Oppenheim & Zebrak on behalf of the plaintiffs.

THE VIDEOGRAPHER: And do we have counsel on Zoom?

MR. GRUBOW: Jared Grubow from WilmerHale on behalf of Anthropic.

MR. CHUNG: Good morning. Timothy Chung on behalf of Publishers.

MS. MEHTA: And then I believe we have in-house counsel from Anthropic also on the line.

THE VIDEOGRAPHER: The court reporter today is Michelle Yohler representing Planet Depos.

Please swear in the witness.

(WHEREUPON, the witness was duly sworn.)

BEN ZHAO, Ph.D.,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. MEHTA:

Q Good morning.

A Good morning.

Q Dr. Zhao, could you please state your first -- or full name and your address for the record, please.

A Sure. Ben Zhao, my -- I'm sorry. You said my address?

Q Yes.

A 130 North Garland Court, Chicago, Illinois, 60602.

Q What do you understand this case to be about?

MR. HOWELL: Objection. Form.

BY THE WITNESS:

A I understand this case is about Anthropic's training of data and Anthropic's design of its large language model and its mechanism to operate that model.

BY MS. MEHTA:

Q What legal claims do you understand to actually be at issue in the case?

MR. HOWELL: Objection. Form. Calls for a legal conclusion.

BY THE WITNESS:

A I am not here to speak to the legality of the claims; I'm here as a technical expert, so, as such, I speak to the technical components of the case.

BY MS. MEHTA:

Q Understood. But you understand that in courts of law, the people actually make claims based on legal challenges and then defend on legal challenges --

A Yes.

Q -- right?

A Yes.

MR. HOWELL: Objection. Form.

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you did not disclose in your expert report.
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I believe that I've disclosed all the relevant bases that are relevant to the technical issues that I discussed.
BY MS. MEHTA:
Q You keep using the word "relevant," and I need to understand why you're using that word.
Are you limiting the scope of what you disclosed based on your use of the word "relevance"?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I'm using the word "relevant" because I believe that we're fishing for semantics here, and there are tons of things I believe are irrelevant. And I do not know the full scope of the things that are irrelevant, and, therefore, I'm simply saying that I put down the bases that I believe are relevant to the technical questions.
BY MS. MEHTA:
Q Okay. Let me ask the question a different way to get around your use of the word "relevant."
A Why?

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Q Because what you're trying to do is avoid answering the question --
A That is not --
Q -- asking --
A -- trying to do.
Q Well, I'm worried that you are, and I want to try to eliminate any confusion about that. How about we put it that way?
A Sure.
Q Is there any basis for your opinion that you intend to offer in this case that was not disclosed in your expert reports?
MR. HOWELL: Objection. Vague.
BY THE WITNESS:
A I believe that I've given what I consider to be the relevant bases for these opinions as I wrote these declarations.
However, I cannot guarantee that there are not other factors that I may recall later that I did not remember at the time when I put down this particular set of declarations.
BY MS. MEHTA:
Q Okay. Sitting here now, this is my opportunity to ask you questions about your opinions in this case. Are there any factors or

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bases for your opinions that are not disclosed in these expert reports?
A Again, I guess I will try to answer your question and rephrase it in a way that you will find satisfiable.
But, you know, I have, at the time of writing these declarations, given what I believe to be all of the relevant bases for the technical opinions that I gave in these documents.
Q What did you do to prepare for the expert deposition today?
MR. HOWELL: Objection. Vague.
BY THE WITNESS:
A I read over my reports. I had discussions and meetings with counsel. Yeah, generally speaking, those things.
BY MS. MEHTA:
Q How many meetings with counsel did you have?
A Do you have a time scope? I mean, going back all the way to the beginning of the case?
Q No, I'm talking about specifically in preparation for this deposition.
A I think three or four, something around that range.

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Q Including the time you spent reviewing your reports, the time you spent with counsel, and any other work you did to prepare, how many hours did you spend preparing for the deposition today?
A For the deposition today, I don't have the exact number on hand, but probably somewhere between, I don't know, 10 to 15 to 20 hours, something in that range.
Q Do you feel well prepared to provide testimony here today?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Reasonably well prepared, yes.
BY MS. MEHTA:
Q Okay. When you reviewed your expert reports in anticipation of the depo- -- deposition or in preparation for the deposition, did you find any errors in the reports that you want to correct?
A Not as far as I recall.
Q Do you stand behind everything that you said in your expert reports?
A I believe there are -- yes. Yes, I do.
Q Did you talk to any of the other expert witnesses in this case?

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MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Not a commercially produced commercial one, no.
BY MS. MEHTA:
Q Have you ever written a song for your own private --
A Yes.
Q -- enjoyment?
MR. HOWELL: Objection. Form.
BY MS. MEHTA:
Q And how many songs have you written?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A A handful.
BY MS. MEHTA:
Q Have you ever shared them with anyone?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Mostly in the context of kids and babies, and so I don't believe they would have active knowledge of such songs, so for whatever that's worth, yeah.
BY MS. MEHTA:
Q Have you ever actually written down the

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music or the lyrics of a song, as opposed to writing a song and -- in the moment when you're, you know, singing your kid to sleep or something?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Boy, many, many years ago, I might have written something down. I -- I don't recall. I mean, and if I had written it down, I'm not sure where it would be at this moment.
But, you know, I mean, if you're trying to get at, you know, am I a professional lyricist or songwriter, for sure then the answer is no.
BY MS. MEHTA:
Q I'm not trying to get at anything, I'm just asking --
A Okay.
Q -- questions.
When you -- I inferred from your answer that you, like many of us, have made up songs to sing to children. Is that what you were thinking of when you said in the context of kids and babies?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Yes.

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BY MS. MEHTA:
Q And have you ever made up your own lyrics to the tune of a well-known nursery rhyme or kids' song?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Probably yes.
BY MS. MEHTA:
Q Did you think that there was anything wrong with doing that?
MR. HOWELL: Objection. Form. Calls for a legal conclusion.
BY THE WITNESS:
A In the context that I wasn't sharing it with anyone or doing it for a commercial purpose, I thought it was fine.
BY MS. MEHTA:
Q If you had been doing it for a commercial purpose, would you have thought that was wrong?
MR. HOWELL: Objection. Form. Calls for speculation. Calls for a legal conclusion.
BY THE WITNESS:
A I've never considered that question because I've never sought to design or write a song for commercial purposes.

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BY MS. MEHTA:
Q In preparation for -- of your opinions in this case, did you personally inspect any of Anthropic's source code?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A And when you say "inspect source code," can you be more specific what you consider inspecting source code?
BY MS. MEHTA:
Q You understand that Anthropic made substantial volumes of source code available for inspection at its offices?
A Yes.
MR. HOWELL: Objection. Form.
BY MS. MEHTA:
Q Did you visit Anthropic's offices to do any kind of source code inspection?
A No.
Q Have you looked at any of Anthropic's source code for purposes of your opinions in this case?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Not that I can recall. There's a large

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volume of supporting documentation, and I don't recall exactly whether there are snippets of source code inside which might -- I might have glanced through at some point, but, you know, at the high level, especially when you're talking about inspecting source code, no.
BY MS. MEHTA:
Q Did you evaluate or look at any of Anthropic's training data for purposes of your opinions in this case?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A You mean -- at what scale are you referring to? Are you referring to looking at large-scale datasets?
BY MS. MEHTA:
Q Yes.
A No, I believe that was Dr. Shan's purview, and so I relied on him and his report to form my understanding of what was and was not in the datasets that he found.
Q Did you yourself look at any of the code underlying Anthropic's guardrails?
MR. HOWELL: Objection. Form.

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BY THE WITNESS:
A No, I don't believe so.
BY MS. MEHTA:
Q Did you look at, yourself, any of the code relating to Anthropic's Content Compare System, or CCS?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A No, I don't believe so. I relied on reports from Dr. Shan for that.
BY MS. MEHTA:
Q Did you look at, yourself, any of the code relating to Anthropic's Copy Fairy?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Same answer.
BY MS. MEHTA:
Q Did you look at yourself any of the code relating to Anthropic's Prompt Shield?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Same answer.
Again, my expertise as -- in the field of machine learning is not formed based on code inspections; it's based on research and

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experimentation and, you know, opinions held by the scientific community.
For direct code and data inspection, Dr. Shan was on-site for all of those things.
BY MS. MEHTA:
Q Did you yourself look at any of Anthropic's fine-tuning data aside from the Hugging Face data that you included in your report?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I don't believe so.
BY MS. MEHTA:
Q Did you look at any code relating to Anthropic's constitution?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Again, not in a code-inspection format. Not in a, sort of, collected aggregated format. I believe there's been references and perhaps even some quotes to that effect from depositions and other documents related to the case, but not in an inspection format.
BY MS. MEHTA:
Q Did you do any empirical testing of

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Anthropic's guardrails for purposes of your work in this case?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I believe I did experiment with Anthropic's systems at an (indiscernible) level, so I guess --
(Reporter clarification.)
THE WITNESS: End-to-end level.
BY THE WITNESS:
A So I guess the answer would be yes because interaction with them directly goes through the guardrails, both pre and post inference.
BY MS. MEHTA:
Q When you say you experimented, you mean you personally put prompts and outputs into the system?
A Yes.
MR. HOWELL: Objection --
BY MS. MEHTA:
Q Did you --
MR. HOWELL: -- form.
BY MS. MEHTA:
Q -- record each of the prompts and outputs that you personally put into the system over the

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course of your work in this case?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I believe I have some screenshots from a while ago, but I don't believe that they are necessarily complete.
BY MS. MEHTA:
Q Did you provide the screenshots that you did take to counsel?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I don't recall whether I told them about the results, or copy-pasted, or shared screenshots.
BY MS. MEHTA:
Q Other than the -- the personal prompts and outputs that you put in -- some of which you may have record of and some of which you may not have records of -- did you do any other testing to assess the functionality of Anthropic's guardrails?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I'm sorry. Could you repeat the first part of that question, the -- the "except for"

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portion?
BY MS. MEHTA:
Q Yes. And, actually, let me -- I'll actually break that down a --
A Okay.
Q -- little bit.
You mentioned that you did your -- some personal experiments with prompts and outputs. You may have records of some of that; you may not have some records of all of it.
Did you include any of that testing in your expert reports in this case?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I believe I referred to some of that in one of my earlier reports, perhaps the one from 2023, where I talked about my interactions with Anthropic. I don't recall exactly whether I referred to it again in the later reports.
BY MS. MEHTA:
Q Okay. Now, let's set aside those prompts and outputs.
Did you do any other testing to assess the efficacy of Anthropic's guardrails?
MR. HOWELL: Objection. Form. Vague.

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BY THE WITNESS:
A I didn't see it necessary in more recent times to do my own personal testing because to do so at a -- at a more comprehensive level would have been more time-consuming.
Instead, I relied on published research from the academic community with which -- you know, including a fair number of well-structured empirical tests by different university groups that, you know, tested Anthropic's guardrails far more explicitly than I have.
BY MS. MEHTA:
Q Okay. You said "I didn't see it necessary," so I can -- I can interpret that to mean that you did not, in fact, do that; is that fair?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I did not repeat individual ad hoc tests on Anthropic's guardrails since my first -- I believe since my first report I may have done some more interactions with Anthropic, but not in a way that was necessarily targeting the efficacy of their guardrails.
And, again, to me, far more important was

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the fact that there have been a number of studies that have studied these guardrails and their efficacy from well-regarded research groups, and many of those reports are published and online, which inform some of my opinion about their current efficacy.
BY MS. MEHTA:
Q Okay. I understand your testimony about the research, and we're going to talk about that. I'm not asking about the academic research.
The question I'm asking is: Since your 2023 declaration, did you personally do any empirical testing or evaluation of the efficacy of Anthropic's guardrails?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A Again, it's a -- you know, when you say "empirical testing," perhaps I don't view it as a specific test, but I did interact with Anthropic, and particularly, you know, probing it for specific questions and responses. I believe in some cases in preparation, for example, for some of my lectures, trying to understand, you know, what current models do, and current models behave.
So, yeah, some of that did involve, you

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know, direct interactions with Anthropic, which, of course, means direct interaction with its guardrails.
BY MS. MEHTA:
Q Okay. I'm not asking about your use of Anthropic in the ordinary course of your work; I'm asking -- and whether or not when you did that there were -- the guardrails may have been implemented. That's not what I'm getting at. I'm not asking about whether just in the ordinary use of Claude the guardrails were implemented.
I'm asking a very specific question: Since your 2023 declaration, did you do any empirical testing or evaluation of the efficacies of Anthropic's guardrails yourself?
MR. HOWELL: Objection. Form. Vague. Asked and answered.
BY THE WITNESS:
A What I'm trying to make clear is that this is the course of my normal work. I teach a class on average machine learning, which, by its definition, covers issues of what models can and cannot do, what their behavior is. In fact, you know, matters of architecture and all these related issues are part of the class.

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So -- and, in fact, to your more specific question, yes, I did actually test Anthropic by giving specific inputs that would, in some cases, trigger guardrail responses as part of my interactions when I prepare for classes like that.
BY MS. MEHTA:
Q Okay. Now, those interactions in which you prompted Anthropic and you received the guardrails, that's not something that you disclosed as part of your expert opinions in this case, correct?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I don't believe so, not in the more recent round of reports.
BY MS. MEHTA:
Q Are there other instances in which -- actually, let me ask the question this way: Other than the instances in which for your class or your research you've interacted with Anthropic and you've prompted Anthropic's guardrails, for purposes of this work in this case, have you done anything to empirically test or evaluate the adequacy of Anthropic's guardrails since your original declaration in 2023?

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MR. HOWELL: Objection. Form. Vague. Asked and answered.
BY THE WITNESS:
A Given what I do and the research that I do and the classes I teach on the subject matter, there is no clear line between when I do something to test a particular system whether I have a label on it that is whether it belongs to a particular legal case or a class or my general research purposes.
So did I, at the time of interacting with Anthropic, say this is my consulting time and, therefore, this is -- belongs in a legal matter? I did not.
However, given what I do, nearly all of my research, especially since the arrival of generative AI, has been about these related issues. And so I have not explicitly partitioned off which of my opinions have been through the course of my research or teaching experiences versus which explicit actions were taken on behalf of any stakeholder in a -- in a court case.
BY MS. MEHTA:
Q We talked earlier about how you endeavored to put all of the bases of your opinions in your

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expert reports, right?
A Yes.
Q In your expert reports, you did not include any empirical test or evaluation of the efficacy of Anthropic's guardrails that you yourself conducted, correct?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A With respect to specific instances where I interacted with Claude during the course of research or during the course of preparation for class, no, I did not indicate those in -- as part of my report.
BY MS. MEHTA:
Q Okay. And where you interacted personally with Claude in the context of the reports -- so I'm not talking about your research or the class, but specifically for the reports -- you also didn't include any empirical study of the efficacy of Claude's guardrails; isn't that right?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I'm sorry. I'm a little bit confused. We had already established that I had already covered that in my earlier reports in 2023.

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BY MS. MEHTA:
Q I'm sorry. I'm -- that's fair. I mean since the 2023 declaration, and let me clarify that.
With respect to, not the research you do for your class or for your research generally, but specifically with respect to your work in this case, you have not personally done any empirical study or testing of the efficacy of Claude's guardrails since your original declaration in 2023, fair?
MR. HOWELL: Objection. Form. Asked and answered.
BY THE WITNESS:
A Again, I -- yeah, I do believe we've already covered this question before, and my answer is the same.
I do not put explicit labels on my interactions with language models or AI systems, so whether it's in the course of a research project, whether it's in the course of preparation for a class, whether it's in the course of explicit preparation for counsel or a deposition or a statement, there is -- I do not put labels on these interactions with models and say: This is

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for purpose X.
So when you say I did not -- you're asking me a question about did I specifically do it for this particular court case, my answer is all my things, all the activities that I do research and teaching are relevant to this case, and I don't draw explicit boundaries when it comes to did I do only this action for a legal case.
BY MS. MEHTA:
Q That's not what I'm asking.
What I'm asking you is whether -- what I'm getting at is what you disclosed in your expert reports. In your expert reports post the original 2023 declaration, you have not disclosed any empirical testing or evaluation of the efficacy of Claude's guardrails that you yourself conducted, fair?
MR. HOWELL: Objection. Form. Asked and answered.
BY THE WITNESS:
A In my more recent reports, I do not recall including examples of my interactions with Claude that were -- that took place other than explicitly labeled time with -- for the court case.
This was largely because of the fact that

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we had substantially more evidence about the efficacy of these mechanisms from multiple sources, including Dr. Shan's report, including published research that was elsewhere that I consider far more exhaustive and comprehensive than my own interactions.
BY MS. MEHTA:
Q And you did not design any experiment or study to test the efficacy of Claude's guardrails for purposes of your expert opinions in this case, correct?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I think your question is asking if I designed experiments for the purposes of this testimony, and the answer is no because there has been already substantial work in designing experiments and tests by the research community about these types of guardrails.
So, no, I did not design any new experiments for the purposes of this testimony.
BY MS. MEHTA:
Q And I think this is a straightforward question, but you did not conduct any experiment or study to test the efficacy of Claude's

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guardrails for purposes of your expert opinions in this case, correct?
MR. HOWELL: Objection. Form. Misstates prior testimony. Asked and answered.
BY THE WITNESS:
A So not having designed new experiments does not mean that I did not conduct experiments that were relevant to prior published research about how to test and evaluate these types of guardrails.
You know, in my interactions with Anthropic, I have indeed leveraged techniques that are commonly known in the community as to how to test and how to evaluate some of these guardrail systems.
BY MS. MEHTA:
Q You did not disclose the results of any experiment or study designed to test the efficacy of Claude's guardrails in your expert reports in this case; isn't that right?
MR. HOWELL: Objection. Form. Vague. Misstates prior testimony.
BY THE WITNESS:
A I believe we've already covered this particular topic, and I'll restate the answer

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again.
I have not disclosed in this report additional experimentation with re- -- regard -- conducted by me personally with regard to these guardrails because there were far more substantial and comprehensive data that we have from research reports and from Dr. Shan on these same questions.
BY MS. MEHTA:
Q If the jury and the judge wanted to know what experiments you -- or studies you conducted with respect to the efficacy of the guardrails through your research, in preparation for your class, or otherwise that was not included in your expert reports, how would we go about understanding that?
MR. HOWELL: Objection. Form. Calls for speculation.
BY THE WITNESS:
A Yeah, I -- again, this is entirely speculative. These things were not in my report. They were not the main bases for my opinions in this report. So I guess I would have to see what kind of requests are made and discuss with counsel on how to go about addressing those requests.

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BY MS. MEHTA:
Q Have you ever -- well, I'll give you a time frame. Since post your original report -- so for purposes of the 2025 and 2026 expert reports, did you ever prompt Claude for copyrighted material and receive a notification that Claude could not give you that information?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I'm not sure what you mean by Claude -- the last bit of your answer -- of your question was that you wanted to know if I had instances where Claude refused to answer; is that the question?
BY MS. MEHTA:
Q Yes, refused to answer on the basis of a copyright guardrail.
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I'm not sure -- certain, but there might have been.
BY MS. MEHTA:
Q What percentage of times that you prompted Claude for copyrighted material since your original report -- so let's say 2024, 2025, and

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2026 -- did Claude give you a refusal to answer on the basis of a copyright guardrail?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I guess I would say a minority of the time. So maybe 20, 30 percent.
Of course this is entirely dependent on what kind of questions I ask. But there's hallucinations, of course, there's, you know, incorrect answers. So there's a variety of different responses.
You're asking about refusals to answer on the basis of a copyright; I would actually say that's a -- not a significant portion.
BY MS. MEHTA:
Q When you specific -- have you ever specifically prompted Claude for copyrighted information post your 2023 declaration?
A Yes.
Q How many times -- what percentage of times in response to a specific request for copyrighted material did you get a copyright guardrail?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A Yeah, I guess the issue here with this

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question is you're asking for specific requests, and I don't know how specific means, you know, if -- I don't believe I've asked Claude much to the order of, you know: "Give me Page 1 for this book." So that would be a small instance of that. I don't recall me asking -- forming much of those prompts.
BY MS. MEHTA:
Q Have you ever asked Claude for copyrighted material and received back a complete or substantial regurgitation of copyrighted material since your original declaration?
MR. HOWELL: Objection. Form. Vague.
BY MS. MEHTA:
Q Actually, let me -- I'll be even more precise with the question --
A Okay.
Q -- this might help.
Since 2024, have you ever prompted Claude for copyrighted material and received back complete or substantial regurgitation of copyrighted material?
MR. HOWELL: Objection. Form. Vague.
Object to the extent it calls for a legal conclusion.

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BY THE WITNESS:
A I honestly don't recall. I think my tests with guardrails were not solely focused on copyrighted work, so I -- I honestly -- I honestly couldn't tell. I don't recall.
BY MS. MEHTA:
Q Can -- can you identify a single instance since 2024 in which Claude gave you a complete or substantial regurgitation of copyrighted material in response to any prompt?
MR. HOWELL: Objection. Form. Vague. And to the extent it calls for a legal conclusion.
BY THE WITNESS:
A I'm sorry. I honestly don't recall.
Yeah, these were fairly ad hoc tests that I would do when I have a particular idea and just trying to get a sense of how the model reacts. So I -- these were not, you know, well-planned-out written comprehensive tests, and so I -- I really couldn't tell you. Sorry.
BY MS. MEHTA:
Q Okay. That's -- that's fine.
In all the work that you -- you said you were originally signed up for this case in 2023; is that right?

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A Yeah, sometime in that time frame. It's been a few years.
Q In all the work that you've done on this case in 2024, 2025, and now 2026, can you identify any instance in which you prompted Claude and received a complete or a substantial regurgitation of copyrighted material in response to a prompt?
MR. HOWELL: Objection. Form. Vague. Calls for a legal conclusion.
BY THE WITNESS:
A I didn't take it upon me to form my opinion based on my own experimentation with Claude.
You know, that type of experimentation I consider much less reliable than published results of people who are designing well-formed, you know, meticulous tests that target a specific behavior.
So I don't recall using anything like that as a basis -- as a main basis for my opinions in these reports. Nor did I feel like I needed to re-evaluate the systems, given that I had experiences with them in 2023 and I felt like those experiences were informative.
And, yeah, I didn't feel like it would be informative to go back and repeat the same test again and again.
BY MS. MEHTA:
Q Was there anything stopping you from conducting the same tests that you did in 2023 subsequently in 2024, 2025, or 2026?
MR. HOWELL: Objection. Form. Calls for speculation.
BY THE WITNESS:
A Nothing in particular other than the fact that I think I've already seen what was capable and what was happening and -- you know, so I didn't go back and repeat the same test.
BY MS. MEHTA:
Q Now, you understand that Claude has changed since 2023, right?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I understand that these models are changing almost -- fairly frequently and with lots of under-the-cover things I -- I may or may not be aware of.
BY MS. MEHTA:
Q And you also understand that Anthropic has implemented lots of new guardrails since 2023, right?

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MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I understand that many new guardrails have gone up since this lawsuit was filed, yes.
BY MS. MEHTA:
Q Have you done anything to test yourself the efficacy of the guardrails since the new guardrails have been implemented post this lawsuit?
MR. HOWELL: Objection. Form. Asked and answered.
And I'll note we're over the hour mark, so if we can find a natural stopping point.
BY THE WITNESS:
A You know, I think we can come back to one of my earlier answers, which is that, yes, I have tested some of the guardrails in more, sort of, ad hoc informal settings.
But, again, when I did those interactions with the models, I did not intentionally repeat the same tests that I did back in 2023. For those type of tests, I relied on existing research literature and Dr. Shan, but my interactions were primarily focused more on other questions with guardrails.

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BY MS. MEHTA:
Q Would you have the ability to design an experiment to test the guardrails and the efficacy of the guardrails if you so choose?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Would I be able to? Yes, of course. I mean, I don't see a particular need to. There's a lot of published reports that give very specific guidance on how to form, you know, what are almost benchmarks for these types of guardrails. And there's well-known methodology that, you know, researchers are taking when they assess the capabilities of these kind of guardrails.
So I don't see a need to reinvent the wheel, but, you know, many of the methodologies are fairly familiar to me. They're, you know, common knowledge in the research literature.
So, yeah, I don't see a need to invent new ones, but, you know, the existing methodologies certainly all make sense and it's things that I understand fairly well, yes.
BY MS. MEHTA:
Q Right. So the question I was getting at is -- I'll ask it a slightly different way.

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Was there anything stopping you from conducting your own test of the efficacy of Anthropic's guardrails post 2023?
MR. HOWELL: Objection. Form. Vague. Calls for speculation. Asked and answered.
BY THE WITNESS:
A I believe there were higher priority things that demanded my time. There is plenty of research from people that I know and respect in the field who have done fairly exhaustive tests who have demonstrated the -- the, sort of, ineffectiveness of some of these guardrails.
And so, no, I did not see it necessary to repeat their tests because I honestly, you know, have higher priorities.
BY MS. MEHTA:
Q Did you -- you mentioned the -- a number of people in the field that you respect that engaged in these tests. You understand that a number of the tests have been characterized or criticized as involving adversarial prompting, right?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A Not sure "criticize" is the right word.

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When we ascertain the efficacy of any system, you don't test it with all the most naive and basic conditions because then you don't learn anything.
So, you know, whether it's computer security or safety or any of these fields, the common practice is to understand where the limitations of systems are, and if you just give them the most common and basic test, that's not going to accomplish the purpose.
BY MS. MEHTA:
Q Are you aware of any test of the efficacy of Anthropic's guardrails with respect to copyright regurgitation that did not involve adversarial prompting or jailbreaking?
MR. HOWELL: Objection. Form. Vague. Compound.
BY THE WITNESS:
A I believe Dr. Bilmes in his report mentioned his own tests, which seemed to be largely non-adversarial.
But certainly I believe in most of these reports that are out there, the reports tend to cover a range of prompts starting from the most naive and basic to techniques that are increasingly specialized or, you know,

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experimental.
BY MS. MEHTA:
Q Setting aside Dr. Bilmes' opinions, which I know you disagreed with. We'll get into that later.
With respect to the academic literature and the research that you relied upon for your opinions in this case, are you aware of any research or study that has tested Anthropic's guardrails with respect to copyright regurgitation and successfully elicited copyrighted material without jailbreaking or using adversarial prompting?
MR. HOWELL: Objection. Form. Vague. Asked and answered.
BY THE WITNESS:
A That's a very specific question. I mean, if I had time, I could go back and revisit the conditions for a bunch of these research reports and answer that more concretely.
Offhand I would say probably because I remember especially some of these older reports, you know, when people were first starting to look at both hallucinations and memorization, you know, many of the initial tests were more

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because they're not included in your report, correct?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Yes.
BY MS. MEHTA:
Q Okay. Then the second part of the answer was research. And that is -- you're talking about research conducted by other scientists, correct?
A Yes.
Q My question to you is: Have you personally done anything to quantify the extent of memorization in Anthropic's -- in Anthropic's models of Anthropic's training data?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A So a couple of things: One, you know, I interacted with it, performed, sort of, ad hoc tests as needed --
BY MS. MEHTA:
Q Is that -- I'm sorry to interrupt you. I want to ask, that's pre-2023 declaration, correct?
A No.
Q Are you talking about the things that you did in the context of your research and your

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course that you didn't --
A Yes.
Q -- include in the report?
MR. HOWELL: Sorry. Just --
BY MS. MEHTA:
Q Okay.
MR. HOWELL: -- one at a time, please.
Thanks.
BY MS. MEHTA:
Q Okay. So let me clarify my question then.
I'm not asking for the things that you've done that are not in your report and that we have no record of. I'm asking whether, for purposes of what you did that you're presenting in this case, whether you've done any actual quantification of the extent to which Anthropic's models memorize Anthropic's training data?
MR. HOWELL: Objection. Form. Vague. Asked and answered.
BY THE WITNESS:
A So, again, so you're asking for if I have done ex- -- quantified experiments and included them in this report?
BY MS. MEHTA:
Q Yes.

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A And the answer is, no, I have done some experiments; however, they were not included in the report because there are far more exhaustive and comprehensive tests that have been published in the research community that were stronger in terms of understanding and quantifying these properties.
And that is the main reason why I did not see a need to repeat those experiments myself simply because that is a function of scientific research, that, once you publish, you're advancing the science and so other people do not have to repeat your studies to believe and understand what it is that you've done and the results that you've gotten.
BY MS. MEHTA:
Q With respect to any experiments that you did, you said I have done quantified experiments but you didn't include them in the report is what I understand that you're saying.
Do you have any record of what those quantified experiments were?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I have not put them into a presentable

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form, nor saved, nor shared with counsel.
BY MS. MEHTA:
Q With respect to any other research conducted by other people -- you've referred repeatedly to research by reference conducted by other people on memorization and are you aware of any studies that address memorization by Claude specifically as to the works in suit or song lyrics as opposed to memorization of training material more generally?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I don't believe I'm aware of specific studies that targeted only lyrics. I believe that research studies -- a number of research studies have been performed, and, generally speaking, they have focused on just general files and content.
So they might have included lyrics, as -- as it is one of the many types of data that gets ingested and can be tested for memorization. At the top of my head, I can't say whether these specific studies -- what are the full extent of the types of data that they included in their tests.

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BY MS. MEHTA:
Q Aside from -- if there were, in fact, any of the research you said you did, in fact, have an analysis of lyrics, aside from that, are you aware of any quantification of the extent to which there is memorization, if at all, of song lyrics or of the lyrics to the works in suit in the Claude models?
MR. HOWELL: Objection. Form. Vague. Compound.
BY THE WITNESS:
A Yeah, I'm sorry. I think the key differentiator was in the beginning of the question, and by the time we got to the end I had lost track of it, so could you repeat?
BY MS. MEHTA:
Q Yeah, what I'm asking is specifically with respect to memorization of song lyrics or lyrics for the works in suit, whether you are aware of any research, analysis, experiment that would quantify the extent to which there is memorization of song lyrics or lyrics for the works in suit from Claude?
A Is that --
MR. HOWELL: Objection. Form. Vague.

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Compound.
BY THE WITNESS:
A Is that not exactly the same question you just asked and I answered?
BY MS. MEHTA:
Q What I'm trying to understand is you said there may be something in the research, you don't know. I'm setting aside whether there's something in the research that you cited that's specific to lyrics.
Other than that, is there anything else that you're aware of is what I'm asking?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A Other than research regarding lyrics, do I know of other research that includes lyrics?
BY MS. MEHTA:
Q Any other quantification of memorization of lyrics.
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I'm sorry. I'm -- I promise I'm not trying to be obtuse, but I'm really not understanding. Because the last question covered lyrics and research --

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BY MS. MEHTA:
Q Yep.
A -- and then you're saying aside from lyrics and research, what other evidence do I have about lyrics.
Q That's exactly what I'm asking. And the answer may be nothing else, but I just want to make sure there's not some other study, analysis, or quantification that you're aware of that you haven't disclosed.
MR. HOWELL: Objection. Form. Vague. Asked and answered.
BY THE WITNESS:
A Yeah, sorry. I'm just trying to understand the differentiator between the questions, right?
So you're asking about the same, sort of, quantification of lyrics but from non-research sources?
BY MS. MEHTA:
Q Yes.
MR. HOWELL: Same objections.
BY THE WITNESS:
A Nothing obvious comes to mind. I mean, I think in some of the reports, I may have alluded

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or cited specific other sources, perhaps, you know, press articles and the like. I don't recall at the moment. But I would say by far the most concrete and quantified numbers are from research sources.
BY MS. MEHTA:
Q Those would be the sources that you would rely on?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I do rely on research literature when it's appropriate and when it's, you know, from a reliable source and it's been vetted properly.
Yeah, if someone designs a strong experimental framework and performs exhaustive and well-designed tests, then I do find that compelling, yes.
BY MS. MEHTA:
Q With respect to the way that a -- well, actually let me -- let me be specific with respect to Claude.
Claude can predict the next token of text for an output even if the exact language doesn't appear in its training data, correct?
MR. HOWELL: Objection --

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BY MS. MEHTA:
Q I'm not asking whether you randomly repeated a test; I'm asking a very specific factual question.
Let me ask it this way: If the judge and the jury in this case wanted to know did you repeat any of the tests that you ran before your 2023 declaration after November 13th, 2023.
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I'm sorry. I expected more to that question, so I --
BY MS. MEHTA:
Q Yes.
A -- was waiting for something else. Can you --
Q Did you --
A -- repeat --
Q Did you repeat any of the tests or the experiments that you ran with Claude that you reported on in your 2023 declaration, did you repeat any of those following November 13th, 2023?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A November 13th...

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MR. HOWELL: Asked and answered.
BY THE WITNESS:
A Again, I have answered this several times. I've said that, to the best of my recollection, my tests were in late -- late 2023 and possibly early 2024. As to the exact date, I could not tell you. And I've said that at least three times now.
BY MS. MEHTA:
Q Did you turn all of those tests over to counsel, the ones that you ran in late 2023 or early 2024?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I do not recall. I certainly turned -- I certainly informed them of some of the earlier tests. I do not recall to what extent I gave them updates after that, especially since some of these were simply sanity checks after the initial tests.
I don't know that there would have been much value in basically saying: Oh, it's been a few months, I did the exact same tests and this came up.
BY MS. MEHTA:
Q If the judge and the jury wanted to know what the complete set of tests were that you ran

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on Claude from 2023 to the present, do you have a complete record of that?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I don't believe I have a complete record of that.
BY MS. MEHTA:
Q If the judge and the jury wanted to know what response you got to the various prompts that you put into Claude for song lyrics, poems, as referenced in your report, is there any record of that?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A Probably not. There might be some record somewhere, but I did not make a special note of it to record that.
You know, the poem and the -- some of the instances of the songs were particularly memorable, so I remember a couple of those instances, but, you know, I think -- yeah, no, I don't think I have complete record of that.
BY MS. MEHTA:
Q If the judge and the jury wanted to know whether -- or the extent to which you made a

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prompt to Claude for song lyrics or for a poem inspired by a song and you did not get the copyrighted lyrics, how many times that happened, what instances that happened, is there any complete record of that?
MR. HOWELL: Objection. Form. Vague. Calls for speculation.
BY THE WITNESS:
A I'm pretty sure I've already answered that question. I do not have a complete record of my tests, you know.
But I do want --
BY MS. MEHTA:
Q Going back --
A -- to add --
Q Oh, sorry. Go ahead.
A But I do want to add that the reason that I didn't feel the need to repeat the tests was because there was such a large volume of literature on memorization, on regurgitation, and a number of them had done a very complete and thorough test.
BY MS. MEHTA:
Q With respect to the poem that we were talking about a moment ago that started this line

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of questioning, the -- where you said if you prompted Claude for, quote, a poem about a young Black man moving from Philadelphia to Los Angeles, close quote, that you would get the lyrics to French -- Fresh Prince of Bel-Air, are you aware of whether or not if you were to do that post November 16, 2023 -- which was the date of your earlier report -- so after that original report or declaration went in, whether Claude would give you the same response or different responses in response to that prompt?

MR. HOWELL: Objection. Form --

BY MS. MEHTA:

Q Each time you prompted it.

MR. HOWELL: -- compound. Calls for speculation.

BY THE WITNESS:

A I am pretty sure this is just another way of asking the same question of do I have records stating a particular result from these -- from that exact time frame, and the answer is still the same: I recollect my experiments were somewhere around late 2023, early 2024.

I don't have the exact date, and, therefore, I couldn't tell you whether my

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particular recollection of these results satisfy your time constraints.

BY MS. MEHTA:

Q Okay. Well, why don't I give you a specific date. If you were to put that prompt into Claude on December 19th, 2025, when you submitted this report from which we just read that prompt, do you know what response Claude would give you?

MR. HOWELL: Objection. Form. Calls for speculation.

BY THE WITNESS:

A I think we've covered this for the last five questions in a row, but because I do not have records of tests since that time frame, it follows then that I do not have knowledge of any particular given date what the model's behavior would have been to a specific prompt.

BY MS. MEHTA:

Q You speak in your report about robots.txt. You're familiar with that, right?

A Yes.

Q You -- we talked earlier about your lab's data collection efforts and some of the data sources that you have looked at in the past.

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Has your lab ever crawled or scraped itself?

MR. HOWELL: Objection. Form.

BY THE WITNESS:

A My lab is not a website. What are you referring to, scraping itself?

BY MS. MEHTA:

Q No, have you used a crawler or scraper to scrape the internet yourselves?

MR. HOWELL: Objection. Form.

BY THE WITNESS:

A We don't scrape the internet, but as far as gathering data from some sites, I will say that we do not make a habit or it's not in our regular research methodologies to scrape websites.

So, generally, no, we do -- yeah, it's not part of the research of what we do. We don't scrape websites.

BY MS. MEHTA:

Q Have you ever done that before -- has your lab ever scraped websites before?

MR. HOWELL: Objection. Form. Asked and answered.

BY THE WITNESS:

A I have been an academic for 22 years now,

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and I think that most of what we gathered from websites and from services usually comes in the form of APIs; and that is to say that we interact with sites and services and applications using programmatic interfaces to get data. Programmatic interfaces are designed to provide data to servers and applications.

Have we gathered data from websites? I couldn't be absolutely certain, but I would say it's possible.

BY MS. MEHTA:

Q Do you know -- do you have in mind any instances in which you would have scraped data from a website for your lab?

MR. HOWELL: Objection. Form. Asked and answered.

BY THE WITNESS:

A Give me a second to think.

Yes -- I'm sorry. Your -- repeat your question again. Sorry.

BY MS. MEHTA:

Q I just had -- I asked whether you had in mind instances in which your lab would have scraped data from --

A Possibly --

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which, you know, presumably is really specialized for LLM companies and not for the tech industry as a whole.

BY MS. MEHTA:

Q Right. And my question was, as between LLM companies, you haven't made any determination of similarities or differences in how they de-duplicate data, correct?

MR. HOWELL: Objection. Form.

BY THE WITNESS:

A I have not paid much attention to how other companies do de-duplication of data other than just expectations of, you know, what de-duplication tools are there in the industry and our broad understanding of how they work and so on.

But nothing about other LLM companies, for example.

BY MS. MEHTA:

Q And what about guardrails; have you done any sort of comparative assessment of Anthropic's guardrails relative to other large language models?

MR. HOWELL: Objection. Form.

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BY THE WITNESS:

A I think that's a little bit different in the sense that I have done -- I have interacted with other models as well; again, through the course of my research and through the course of preparation for my classes that I teach.

You know, so I have interacted with a number of other models and have a broad sense of, you know, I don't have private information about how and what internal tools they use for guardrails, but, you know, I have observed end-to-end behavior of their systems, which presumably include guardrails on both sides.

And then there's also research literature in general, which, you know, when they study guardrail behavior or safety -- model safety behavior, you know, these research studies do not necessarily pick on any single company, so they tend to be fairly broad in coverage.

Most of the works that I cite are not Anthropic-specific, and they talk about, you know, Anthropic as one of several LLM companies with, oftentimes, results on regurgitation and similar kinds of tests applicable to multiple LLM trainers and AI companies.

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BY MS. MEHTA:

Q Have you yourself done a comparative assessment to quantify the effectiveness of Anthropic's guardrails against copyright regurgitation relative to any other large language model?

MR. HOWELL: Objection. Form. Vague.

BY THE WITNESS:

A I have done tests on multiple models at their -- to ascertain their ability to reproduce copyrighted content, so I guess the answer would be yes.

BY MS. MEHTA:

Q And have you quantified the difference in terms of putting the same prompts into multiple models and then determining whether Anthropic's guardrails are more or less effective with respect to copyright regurgitation?

MR. HOWELL: Objection. Form.

BY THE WITNESS:

A These took place, as I mentioned before, in the context of preparing for classes, you know, sort of out of curiosity at different points, whether it's this lawsuit or -- or general curiosity.

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But, yes, in some of these cases, I've done, sort of, you know, very similar, if not identical, queries to multiple models just to see if I can detect a difference in behavior when it comes to, you know, specific prompts and what they return.

BY MS. MEHTA:

Q And those records are not ones that you had included in your case -- in this -- in your reports in this case, correct?

MR. HOWELL: Objection. Form.

BY THE WITNESS:

A No, I don't believe I've included mentions of other models in this -- these documents.

BY MS. MEHTA:

Q And I take it you haven't systematically preserved all of the different prompts and outputs you've made to all these different models to test their guardrail effectiveness, correct?

MR. HOWELL: Objection. Form. Vague.

BY THE WITNESS:

A Yeah, in general, I agree; I have not carefully documented those experiments.

BY MS. MEHTA:

Q Would you agree that putting in place

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BY MS. MEHTA:
Q It's at the end, just before your CV.
Right after that. That's Appendix A.
Right after that.
A So after my CV? You said right before my CV. This is my CV.
Q Okay. Then right after. Thank you.
Appendix B.
A But this is the -- oh.
Q Yeah, this is why -- you're -- there's something, I think, perhaps wrong with the way this is printed out. I want you to go to that chart -- right there. There you are.
A Okay. All right.
Q Okay. So Appendix B lists the documents that you considered in forming your opinions in this case, correct?
MR. HOWELL: Objection --
BY THE WITNESS:
A Yeah --
MR. HOWELL: Objection. Form. Misstates prior testimony.
BY MS. MEHTA:
Q Is that right, sir?
A I believe so.

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Q Okay. And then you have similar appendices in your second report and your third report, correct?
A I --
Q I'll represent that to you, that you have --
A Okay.
Q -- similar lists in the other reports.
My question is: Did you have an understanding that you needed to disclose the materials that you considered and relied upon in forming your opinions as part of the expert reports?
A I'm sorry. Say that again.
Q Did you understand that you needed to disclose everything that you considered as part of these reports?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Yes, that's what -- that was my understanding.
BY MS. MEHTA:
Q Okay. And is there anything that you looked at that you left off of these lists?
MR. HOWELL: Objection. Form.

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BY THE WITNESS:
A I mean, I think the -- the question there is intentionally vague.
I have looked through many, many things through the course of my lifetime, through my career as an academic, through my role as a researcher and faculty instructor for classes that cover these materials, so clearly this is not an exhaustive list.
This is an exhaustive list as far as pieces of data that are specialized to this particular case that I felt were the most relevant in forming my opinion.
But in terms of exhaustiveness, I don't think I could be reasonably expected to produce every paper that I've ever read on the subject of artificial intelligence --
BY MS. MEHTA:
Q And --
A -- or systems or memory or performance or, you know...
Q In terms of the Anthropic documents that you looked at and the deposition testimony and other litigation documents that you list at -- looked at, you included those in your -- in these

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materials considered lists, correct?
A I believe so. Some of this -- maintenance of the specific list, because many of these documents, you know, involve prior testimony and others that I obtained through counsel, some of this maintenance and the cureration of these lists and Bates numbers, I had a lot of help from counsel on.
So I can't, for example, look at a particular Bates number and tell you exactly what that document was or --
Q That's -- that's not what I'm getting at. I just want to make sure --
A Okay.
Q -- there wasn't some set of litigation-related documents that you left off of these lists.
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Not to my knowledge when I'm looking at this.
BY MS. MEHTA:
Q How did you identify the Anthropic production documents that you cited in your reports; were those provided to you by counsel?

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MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A Sorry. Can you clarify the terminology you used? You said the Anthropic what --
BY MS. MEHTA:
Q The Bates number documents that you've listed, how did you identify those, were those provided to by counsel?
MR. HOWELL: Objection. Form. Vague. Compound.
BY THE WITNESS:
A I believe so. I think in some of these cases I wrote, you know, in the text: "Citation to," specific descriptive terms about the thing that I have in mind, and then I had help from counsel tracking down the specific number and then putting in the exact number in place so that they could make sure that it matched the Bates document number.
BY MS. MEHTA:
Q Where you were given a particular document to support a particular point, did you do anything to verify that counsel wasn't holding back information that would undermine that point; for example, another internal Anthropic document that

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was inconsistent with the point you were making?
MR. HOWELL: Objection. Form. Calls for speculation.
BY THE WITNESS:
A I don't believe so. I believe that counsel and I had the same intentions with respect to this case, and I believe that they, to the best of their knowledge and ability, provided me with the best information that was available.
BY MS. MEHTA:
Q Right. My question was: Did you do anything to verify that the lawyers for the Publishers were not cherry-picking which Anthropic Bates-numbered documents they gave you when they gave you the subset of documents that you looked at?
MR. HOWELL: Objection. Form.
Just caution regarding disclosure of attorney work product material.
BY THE WITNESS:
A I have no reason to believe that counsel would intentionally mislead me in any way. We had fruitful discussions about the case, about what they were able to discover during the discovery process.

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And my understanding is that what I've seen and had access to and cited in these reports are consistent with those conversations in describing, you know, what evidence was there. And, to my knowledge, there's been no, sort of, biased or cherry-picking sampling of those documents.
BY MS. MEHTA:
Q This is a yes-or-no question, sir: Did you do anything to verify or validate that counsel did not cherry-pick the documents or the evidence that they gave you to rely upon in this case? Yes or no?
MR. HOWELL: Objection. Form. Vague.
BY THE WITNESS:
A I will reply that it is impossible for me to get information that I am not provided to by the counsel, especially in this case.
So when you say did I verify or otherwise validate, are you referring to any mechanism that I could possibly imagine? Because I can imagine no possible way to actually do that because my main link to this case is through counsel.
And so I trust that they provided me with all the information that they had, and there is no

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way for me to validate that possibly simply because I do not have a third-party out-of-bound mechanism or access to the set of documents such that I would do that type of validation with.
BY MS. MEHTA:
Q Did you ask that counsel provide you with access to the database of the documents, the internal Anthropic documents, that were produced so that you could look yourself for documents as opposed to rely on the documents they provided to you?
MR. HOWELL: Objection. Form. Vague. And caution regarding attorney work product -- revealing attorney work product.
BY THE WITNESS:
A I believe there were conversations where I asked counsel to provide me with all the relevant information.
BY MS. MEHTA:
Q Did you ask counsel to provide you with access to all of the documents as opposed to what they deemed relevant?
MR. HOWELL: Objection. Form. Vague. Caution regarding attorney work product. And asked and answered.

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BY THE WITNESS:
A I -- no, not really. I didn't look at the clock.
BY MS. MEHTA:
Q Did you discuss the substance of your testimony with your counsel during that break?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I did not.
BY MS. MEHTA:
Q You didn't talk about the answers that you gave earlier today with respect to intent?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A No.
BY MS. MEHTA:
Q He didn't tell you that he was going to ask you about your Paragraph Number 10 on Page 3 and what you opined as to knowledge and intent?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A No. The goal was here that -- that I was going to be redirected, and the -- I was given no answers. I was not told about how perceptions of my prior testimony was in conflict. It was just

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there's going to be redirect. It was nice to take a break. And we came in, he asked a question, and I'm clarifying.
These are my opinions, and they were not fed to me by anyone, especially counsel.
BY MS. MEHTA:
Q Oh, no, I'm not -- well, we'll -- the jury will make the judgment about that. My question was not that. My question was: During the break, did -- you're under oath, so I'm just asking you to testify under oath.
During the break, did counsel indicate to you in any way that he was going to be asking you questions on redirect about your intent opinion?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A He indicated that he would be redirecting on some of my summary of opinions.
BY MS. MEHTA:
Q Okay. And did he indicate to you on redirect which summary of opinions or what the general subject matter of the summary of opinions were that he would be redirecting you on?
MR. HOWELL: Objection. Form. Scope.

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BY THE WITNESS:
A I'm sorry. I'm not understanding the question. He indicated that it would be redirect and he wanted clarification on one of the summaries of the opinions.
BY MS. MEHTA:
Q Okay. And did he tell you which summary of opinion he was going to ask you for clarification about?
MR. HOWELL: Objection. Form. Scope.
BY THE WITNESS:
A I think there was an indication that it would be something about memorization.
BY MS. MEHTA:
Q Okay. Now let's talk about what your testimony was just a moment ago. Are you a mind reader?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A Not to my knowledge.
BY MS. MEHTA:
Q Okay. So you -- you're not now purporting to be able to testify about what was in the minds or the intentions of any individual person at Anthropic or its founders or its executives; is

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that fair?
MR. HOWELL: Objection. Form.
BY THE WITNESS:
A I believe that's fair. Yeah.
BY MS. MEHTA:
Q And then when you talk about its intent as a company, you're talking about the functionality of its systems, correct?
MR. HOWELL: Objection. Form. Misstates prior testimony.
BY THE WITNESS:
A I'm trying to understand the question. The --
BY MS. MEHTA:
Q Well, you said that the product leads to memorization and regurgitation of copyrighted information, right --
A Yes.
Q -- in your opinion?
My question is: Did you evaluate any documents or testimony in the record in this case to suggest that any person associated with the design of the system intended for there to be memorization or copyright regurgitation?
MR. HOWELL: Objection. Form.

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BY THE WITNESS:
A I did not observe -- or at least I don't recall, I don't believe I've observed testimony or documentation from any single individual speaking about their intent to design a particular thing a certain way.
These are statements that I'm making based on what I've seen from testimony from Anthropic employees, I believe, about the training process that they took, and the, what I consider, reasonable inference that, by involving the training process with -- explicitly with Publishers' lyrics and prompts that that meant, and that was a reasonable inference that that involved the goal of providing that content back to users during the inference process.
BY MS. MEHTA:
Q Other --
A And there's been other supporting evidence as well.
Q Okay. So I would like to understand, other than the fact that Anthropic trained on Publishers' lyrics, what specific evidence are you relying on for your suggestion that Anthropic trained with the intent or design of memorization

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and regurgitation of song lyrics from the Publishers?
A I believe I wrote about this in general. I'm trying to find -- gosh.
Sorry, I'm having trouble locating the...
All right.
Q What paragraph are you on?
A I'm not sure this is what I'm looking for, but right now I'm looking at Page 26. I believe this is -- yeah, Exhibit 1.
Where I speak: [As read] "In the words of" -- where I wrote: "In the words of Anthropic employees, song lyrics have value to the process and even -- even if they're not delivered as verbatim copies including different things..."
Maybe that's not what I was looking for. Maybe it's the next page, maybe.
Okay. So let's see. Paragraph 75: [As read] "As Anthropic's co-founder recognized, an LLM needs to be trained with human interaction exactly the same way it is intended to be used."
Okay. And then I write: [As read] "Anthropic fine-tunes its Claude models to make them interact more naturally with users" dot, dot, dot. Okay.

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"Fine-tuning (indiscernible)" --
MS. REPORTER: Hang on.
THE WITNESS: Sorry.
MS. REPORTER: If you're reading it out loud, I need to --
THE WITNESS: Oh, sorry.
MS. REPORTER: I need you to slow down. Thank you.
THE WITNESS: I didn't realize you were -- you had to record all that, then, in which case, let me not read it out loud because it was not terribly relevant.
BY THE WITNESS:
A I was looking at Paragraph, I think, 75, which was relevant because it talks about an LLM's need to be trained with human interaction exactly the same way as it was intended to be used.
That speaks to the idea that fine-tuning is oftentimes done in such a way that mimics real expected user behavior so that you can train the model to behave the way you would like it to behave, given the similar or the same type of prompts that a user would give the model.
And that is just general context about how training goes and what tuning means and how it

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receives.
Then I talk about in Paragraph 79 that Anthropic dataset, referring to the data mentioned in the Claude model card from Hugging Face contains numerous instances where Anthropic used song lyrics to fine-tune versions of Claude.
And then I go on to talk about some specific details.
And so the idea here is that -- you know, and I talk about, sort of, in the next page and in the subsequent paragraphs about how individual songs are included and song lyrics from individual performers are included, right?
And then I specify to the fact that, based on the limited dataset available, it is my opinion that these fine-tuning prompts indicate that Anthropically does -- Anthropic, sorry, deliberately designed Claude to have the functionality to provide lyrics to well-known songs and create new lyrics in response to user requests.
If Anthropic did not intend for Claude to be able to respond to song or lyric-related requests, Anthropic would not have prompted Claude using such requests during the fine-tuning

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CERTIFICATE OF REPORTER

I, MICHELLE M. YOHLER, a Certified Shorthand Reporter within and for the County of Will, State of Illinois, do hereby certify:

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

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IN WITNESS WHEREOF, I do hereunto set my hand and affix my seal of office at Chicago, Illinois, this 24th day of February, 2026.

Michelle M. Yohler

Michelle M. Yohler, CSR, RMR, CRR
Certified Shorthand Reporter
CSR No.: 84-4531