EXHIBIT 8

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

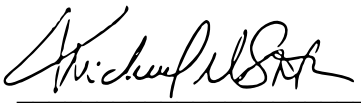
Case No. 5:24-cv-03811-EKL-SVK

DESIGNATED HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

EXPERT REPORT OF PROFESSOR MICHAEL D. SMITH

Dated: December 19, 2025



Michael D. Smith

87. I have relied on the expert analysis contained in the Dennis Report, which categorized a series of Claude-user prompts, including at least two prompt categories reflecting requests for potential market substitutes of Publishers' works and lyrics. *See* Dennis Report § VII.D.

88. For the first prompt category, Mr. Dennis identified at least 922 Anthropic-user prompts asking Claude to generate "new song lyrics based upon provided artist(s), song title(s) or lyrics." Dennis Report ¶ 182. When this figure is extrapolated to account for the full universe of approximately 455 million Claude-user prompts at issue between September 22, 2023, and March 22, 2024, Mr. Dennis determined that there would be approximately 80,670 similar requests for Claude to generate "new song lyrics based upon provided artist(s), song title(s) or lyrics." *id.* at ¶ 215.

89. Mr. Dennis also highlighted certain "Exemplary Sample Record excerpts" that he included in this prompt category, such as:

- ANTH_SAMPLE000006711 (October 6, 2023)

> Human: great! keepign the same structure, meter, and rhyming scheme of what I pasted in, repeat this in the thematic style of tom waits.
>
> Assistant: Here's a Tom Waits-style version following the same structure, meter, and rhyming scheme:
>
> That was nineteen seventy-nine, the music turned slime, as disco died and took the funk with it
> Factory dancers, robotic romancers - no heart on the floor, just chasing the score
> They sterilized the beat, and brought jukeboxes to their knees
> Made boogie just a bore

- ANTH_SAMPLE000063982 (October 2, 2023)

Human: Write me a fire, mom song three sentences

Assistant: Here is a 3 sentence fire mom song I came up with:

Oh fiery mother, your flames reach so high,
You nourish your children with sparks in the sky.
We bask in your warmth as your embers draw nigh.

I tried to capture a song paying tribute to a metaphorical fiery mom, with lyrics about her flaming energy providing warmth and comfort to her children. Please let me know if you would like me to modify or expand this any further! I'm happy to keep reworking it until it better fits what you were envisioning.

92. Claude-generated lyrics, like those identified by Mr. Dennis, can and do harm the market for Publishers' existing copyrighted lyrics in multiple ways. For example, with respect to revenue generated from Digital Services Providers ("DSPs") like Spotify and Apple Music, songs that use AI-generated lyrics reduce the total share of streaming revenue to which Publishers would otherwise be entitled. This is a function of how DSPs structure their revenue distribution.

93. For example, DSPs and social media companies commonly pay participating copyright owners a pro rata share from a single royalty pool, with each copyright owner's share based on the percentage of the total number of uses that rightsholder's works garner over a set period of time.[79] For example, under a 2024 agreement with UMPG, Spotify pays a "Subscription Service Fee" that equates to a "Pro Rata Share of .4% of Applicable Premium Revenue," where UMPG's "Pro Rata Share" is defined as "a fraction, the numerator of which is the number of Qualifying Lyric Displays of Lyrics and the denominator of which is the number of **all** Qualifying Lyric Displays of **any** lyrics[.]" *See* UMPG_0000023257, at -70-71 (emphasis added). In another 2017 agreement with UMPG, Google guaranteed payment of €52.5 million over a three-year term in addition to royalties determined by UMPG's "Music Share" of "all Music Content Videos." *See* UMPG_0000000001, at 2–3, 5–7. Similarly, TikTok pays ABKCO a monthly "Pro-Rata Share"

[79] *See* Berschback Tr. 208:1–14 (explaining that "there is "a royalty pool created by subscription and sometimes ad revenue and other things, and then that royalty pool, on a monthly or quarterly basis, is distributed to the copyright owners whose works are used on the service.").

distributed across deals in September 2023[134], March 2024[135], and November 2024[136], the collaboration integrates Anthropic's Claude models directly into Amazon Bedrock and commits Anthropic to training on Amazon's proprietary Trainium chips.

199. In November 2025, Anthropic entered another major strategic partnership with Microsoft and Nvidia. Multiple outlets reported that Nvidia and Microsoft committed to invest together up to $15 billion in Anthropic, which would in turn purchase $30 billion of computing capacity from Microsoft Azure running on Nvidia graphic processing units.[137]

200. As with the private funding rounds, these partnerships reflect expectations of Anthropic's continued rapid growth, as well as the investors' confidence in the performance and competitiveness of the key technology at the heart of Anthropic's business: its Claude AI models.

B. Use Cases Related to Music Lyrics are a Significant Draw for Anthropic Customers

201. As shown in the Dennis Report, a significant share of Anthropic's user and customer base rely on Claude for lyric-related prompts and inquiries, including requests to search for existing song lyrics, generate new song lyrics, interpret song lyrics, translate song lyrics, search for song titles based on lyrics, and many more. *See generally* Dennis Report § VII.D. Based on a

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[134] Jeffrey Dastin, *Amazon Steps Up AI Race with Anthropic Investment*, REUTERS (Sept. 29, 2023), https://www.reuters.com/markets/deals/amazon-steps-up-ai-race-with-up-4-billion-deal-invest-anthropic-2023-09-25/

[135] *Amazon and Anthropic Deepen Their Shared Commitment to Advancing Generative AI*, AMAZON (Mar. 27, 2024), https://www.aboutamazon.com/news/company-news/amazon-anthropic-ai-investment.

[136] *Powering the Next Generation of AI Development with AWS*, ANTHROPIC (Nov 22, 2024), https://www.anthropic.com/news/anthropic-amazon-trainium.

[137] Sebastian Herrera, Amrith Ramkumar & Robbie Whelan, *Nvidia, Microsoft Pour $15 Billion Into Anthropic for News AI Alliance*, WALL STREET JOURNAL (Nov. 18, 2025), https://www.wsj.com/tech/ai/nvidia-microsoft-and-anthropic-commit-to-roughly-45-billion-in-ai-partnership-281b7b1d?gaa_at=eafs.

statistically representative sample of 5 million Claude-user prompts, *see* ECF No. 377, Mr. Dennis identified approximately 6,849 such samples. *See* Dennis Report ¶ 210. By extrapolating those sampled over the full universe of approximately 455 million Claude user prompts that Anthropic received between September 22, 2023, and March 22, 2024. Mr. Dennis concluded that, over just this 6-month period alone, Anthropic received approximately 583,705 lyric-related prompts. *See* Dennis Report ¶ 215.

202. Based on this magnitude of lyric-related requests over such a short period of time, I am of the opinion that use-cases related to music lyrics represent a significant "draw" that attracts users and customers to use or prefer Claude for their Generative AI needs. This is not surprising given that Anthropic itself tracks Claude's usage for lyric generation and modification in its Economic Index, finding that lyricists, poets, and other creative writers are responsible for almost 1% of all Claude inquires (over the sampled period).[138] Indeed, Benjamin Mann, one of Anthropic's 30(b)(6) witnesses, testified that "if you structured your prompts in the right way, then you could ask Claude to use a tool like Google Search as part of its operation," and to that end, "a user could ask Claude to provide song lyrics." B. Mann 30(b)(6) Tr. 24:24–26:4. As discussed above in other sections, several other Anthropic employees have testified to the usefulness of lyrics in building Claude as an all-purpose AI model and to their own prompting of Claude for lyric-related requests. *See* V.B.1.c.iiV.A.2.

C. Anthropic Received Payments from Third-Party Users who Prompted Claude to Generate Outputs Containing Lyrics to Publishers' Works-in-Suit

203. Publishers also asked me to review certain billing information that Anthropic produced in discovery related to specific third-party Claude customers, and to compare that billing

[138] *Anthropic Economic Index*, ANTHROPIC (Sept. 15, 2025), https://www.anthropic.com/economic-index#job-explorer.