EXHIBIT 9

(FILED UNDER SEAL)

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

REBUTTAL EXPERT OPINION OF PROFESSOR MICHAEL D. SMITH

Dated: January 23, 2026



Michael D. Smith

related prompts double (an increase of 100%) in Week 2. Yet, if non-lyric prompts decreased by a mere 0.06%, the overall number of prompts would decrease from Week 1 to Week 2. As this illustrative example highlights, the disparity between total Claude prompts and lyric-related Claude prompts calls into question the reliability of any conclusions regarding lyric-related Claude usage that Dr. Nagaraj draws from interpretation of coefficients and statistical significance for variables relying on overall Claude traffic or Google searches for "claude ai."

127. Dr. Nagaraj also errs in modifying Claude usage data based on the assumption that Claude's regurgitation of Works-in-Suit lyrics entirely ceased after Anthropic's purported implementation of guardrails. While Dr. Nagaraj uses Claude.ai's actual traffic for the period July 11, 2023, through [redacted], *see* Nagaraj Report ¶¶ 111, 135, he overwrites all values after these dates, forcing Claude.ai usage to be 0 for all dates afterward. Dr. Nagaraj claims to do so in order to account for Anthropic's purported implementation of guardrails, which he alleges "dramatically reduced the possibility that Claude.ai could substitute for song lyrics." *Id.* ¶ 111.

128. This assumption is unfounded; as Publishers' expert Joshua Dennis has shown, Claude continued regurgitating WIS lyrics after Anthropic's implementation of guardrails. *See* Expert Report of Joshua Dennis (Dec. 19, 2025) (the "Dennis Report"), at ¶ 217; *see also* Expert Rebuttal Report of Shawn Shan (Jan. 23, 2026), at ¶¶ 36, 42–43.

129. This assumption also creates a logical inconsistency in that Dr. Nagaraj's variable for measuring Claude.ai usage is actually a combination of two different metrics: overall Claude traffic prior to the guardrail implementation and alleged lyric-only Claude usage after the