EXHIBIT 8

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

- - - - - - - - - - - - - -x

CONCORD MUSIC GROUP, INC., ET AL., : Case No.

Plaintiff, :24-CV-03811-EKL (SVK)

v. :

ANTHROPIC PBC, :

Defendant.

- - - - - - - - - - - - - -x

*** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

VOLUME 2

Videotaped Deposition of MICHAEL SMITH

CONDUCTED VIRTUALLY

Thursday, April 9, 2026

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Brooklyn E. Schweitzer, RPR, CRR, CA CSR No. 14612

Videotaped Deposition of MICHAEL SMITH, conducted virtually.

*** ALL PARTIES ATTENDED REMOTELY. ***

Pursuant to Notice, before Brooklyn E. Schweitzer, Registered Professional Reporter, Certified Realtime Reporter, Notary Public in and for the Commonwealth of Pennsylvania, and California CSR No. 14612.

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

COREY MILLER, ESQUIRE
MICHELLE GOMEZ-REICHMAN, ESQUIRE
OPPENHEIM + ZEBRAK, LLP
4530 Wisconsin Avenue NW, 5th Floor
Washington, DC 20016

ON BEHALF OF THE DEFENDANTS:

SONAL L. MEHTA, ESQUIRE
LYDIA BAILEY, ESQUIRE
CHRISTINA LUO, ESQUIRE
WILMER CUTLER PICKERING HALE AND DORR LLP
2600 El Camino Real, Suite 400
Palo Alto, California 94306

Also Present: Brian Russo, Technician
Harold Rodriguez, Videographer
Liz Kim, Esquire
Natalie Naugle, Anthropic

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P R O C E E D I N G S

VIDEOGRAPHER: Here begins Media Number 1 in the videotaped deposition of Michael Smith in the matter of Concord Music versus Anthropic, in the United States District Court for the Northern District of California, San Jose Division, Case Number 24-cv-03811-EKL (SVK).

Today's date is April 9th, 2026. The time on the video monitor is 9:35 a.m. Eastern time. The videographer today is Harold Rodriguez, representing Planet Depos, headquartered at 451 Hungerford Drive, Suite 400, Rockville, Maryland 20850.

All parties of this video deposition are attending remotely. Would counsel please voice identify themselves and state whom they represent.

MS. MEHTA: Good morning. Sonal Mehta from WilmerHale on behalf of Anthropic. With me today are my colleagues, Christina Luo and Lydia Bailey, and we also have in-house counsel from Anthropic, Liz Kim and Natalie Naugle on the line.

MR. MILLER: Good morning. Corey Miller from O+Z on behalf of the Plaintiff Music Publishers. Also on the line is my colleague, Michelle Gomez-Reichman.

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VIDEOGRAPHER: The court reporter today is Brooklyn Schweitzer, representing Planet Depos. Will the witness now be sworn in please.

MICHAEL SMITH,
was called, and having been duly sworn,
testified as follows:

EXAMINATION

BY MS. MEHTA:

Q Good morning, Professor Smith.

A Good morning, Counsel. How are you doing?

Q Good. How are you?

A Doing well.

Q We've done this before together, so I'll skip the preliminaries. I just want to ask: You understand you are still testifying under oath today just as you would before the judge and a jury in a courtroom in San Jose, correct?

A I do. I understand.

Q Any -- any reason you wouldn't be able to provide your most truthful and accurate testimony here today?

A No.

Q I'm going to try to ask you to do your best not to talk over me, and I'll do my best not to talk over you today. If at any point you don't

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understand the question, please ask me for clarification. All right?

A I will.

Q And if you don't ask for clarification, I'm going to assume that you understood the question and you're providing your most truthful and accurate testimony in response. Fair?

A I understand.

MS. MEHTA: Okay. Let's go ahead and mark, if we could, Exhibit Number 2, Smith Exhibit 2, which will be Tab 1.

(Exhibit 2 was marked for identification and is attached to the transcript.)

Q And that will be dropped in the chat, Mr. Smith, and you can just pull it up like we did last time.

A Sounds good.

TECHNICIAN: I'm sorry, this is the tech. Do you need me to share that?

MS. MEHTA: No, you can just put it in the chat. We don't need to share the screen. Thank you.

TECHNICIAN: One moment.

THE WITNESS: Give me a sec to download that.

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Okay. User. Let's do it. Great.
Q So let me -- let me just make sure that we're on the same page here.
You are looking at the interview text for creativity_0001?
A Correct.
Q Okay. Now, if you can look at that, you -- the user there indicates the use of AI tools to help promote efficiency or creativity in music production, right?
MR. MILLER: Object to form.
A Let me just skim this.
Q Mm-hmm.
A Yeah. So User: I'm a music producer and audio engineer. I work with clients to record and mix their original music.
Q Right. And what he talks about is -- throughout that summary is the use of AI tools to help facilitate music production, right?
MR. MILLER: Object to form.
A Let me -- let me just take a moment to --
Q Yes.
A -- fully familiarize myself with this as we dive in.
Okay. Ask your question again, Counsel.

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Q Yes. You understand that he's talking about his use of AI tools to facilitate music production, right?
MR. MILLER: Object -- object to form.
A Yes, that's my understanding.
Q Okay. And in the interview, he talks about how AI's capabilities are allowing him to -- to make music, produce music, while also maintaining a human creative control, right?
MR. MILLER: Object to form.
A Ask the question again.
Q Yes. He mentions the ways in which he's able to use AI to facilitate music production while still maintaining human control, right?
MR. MILLER: Object to form.
A He talks a lot about how he uses -- again, I'm just reading this now -- brainstorming, troubleshooting. He talks -- I'm going a little bit further down -- he talks about songwriting. I'm not sure I can characterize that as his intention to maintain human control. I -- I'm just reading what's on the page.
Q Fair enough.
Is it fair to say he talks about the ways in which AI is helping him with the production of

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music?
MR. MILLER: Object to form.
A Yeah. It -- it works -- it works best for me to write -- he's -- he's talking about how he uses generative AI to help him in his -- in his creative process, which includes writing lyrics.
Q Okay. Was there any instance in the Interviewer dataset where -- in which you found any example of one of the 125 people that were interviewed identifying any AI-generated content that reduced or removed any commercial opportunity for them?
MR. MILLER: Object to form.
A I don't think those are the questions they were being asked. I -- I do remember -- and I'd have to go read it -- read it more carefully, but I do remember answers that involved, you know, concern about if this -- and these are not the words, but if this became widespread, this would damage my creative opportunities. This could dilute, you know, human creation in the marketplace. Those -- those sorts of concerns is what -- is what I remember.
Q Do you remember reading any instance in which any of those concerns were -- had actually

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taken place as opposed to the hypothetical concerns about the future?
MR. MILLER: Object to form.
A If you want, I -- I can take a second to read through.
Q I don't want you to read through 125 interview responses. What I'm asking you is whether you can recall, having read through these and prepared this report in the last month, whether you can recall any instance in which any of those people that you said expressed concerns could actually -- had actually expressed that they had encountered that as opposed to hypothetical concerns about the future?
MR. MILLER: Object to form.
A I -- I'd have to go back and look specifically at what they said to answer that question.
Q Now, you do recall that a number of the creatives that were interviewed talked about the ways in which they are affirmatively using AI to be helpful to their creative work, right?
A That's correct.
Q And those were for musicians and songwriters that were interviewed, right?

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want. But my question is you -- you know that there were instances in which people were referring to ChatGPT, right?
MR. MILLER: Object to form.
A I do know there are instances where they referred to ChatGPT.
Q Okay.
A My -- when I read it, it wasn't clear to me whether they were using that in the specific sense or the general sense.
Q Okay. So let's be clear, then: Are you testifying that you believe that all of the responses, including the ones that refer to AI generally or to ChatGPT, all of them always were referring to Claude? Is that your testimony?
MR. MILLER: Objection; mischaracterizes the witness's testimony. Form.
You can answer.
A No. I'm just -- I'm just saying this is a survey conducted on the Claude platform, and I'm not -- it's not clear to me from the responses whether and when the term "ChatGPT" is used generally or specifically.
Q Okay. Well, let's look at creativity -- the one that you were just looking at, 0001.

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In that particular response, it says, Sometimes when it comes time to add lyrics, I'll ask ChatGPT or Claude for lists of interesting word pairings.
Do you see that?
A Okay. Yes.
Q So you'd agree that's an instance in which this person is talking about their use of AI for songwriting, not limited to Claude?
A I don't know what that means. I'd have to ask the person. Right? I could -- I could imagine a world where they -- where they mean ChatGPT or Claude, two separate tools, or where they started by saying, ChatGPT or -- or Claude, the specific tool.
I don't know what that -- I don't know how to read that. You see what I mean? I think that could be read two different ways, and I don't know how to read it.
Q So your testimony is when it says ChatGPT or Claude, that you don't know whether they mean ChatGPT or Claude or whether they mean one thing? That's your testimony?
A What I'm saying is there's two possible ways to phrase this. I could say I need a -- I need a Kleenex, you know, or a facial tissue. Right?
Q So you think ChatGPT and Claude are -- you think ChatGPT is a generic term for Claude, that would include Claude?
A I've heard --
MR. MILLER: Objection.
A I've heard people use ChatGPT in the general sense of this is the way I interact with my -- I've heard students use this all the time. I use ChatGPT, and then you press in, and it's no, I was actually using Claude or another tool.
What I'm saying is from here, I can't say definitively that when they say "ChatGPT," they mean OpenAI's tool.
Q Do you recall in any of the interviews with the creatives that you read any instance in which there was a description of the use of Claude or ChatGPT or any other AI tool to write lyrics to a song as opposed to assist in a human writing lyrics for a song? For example, give me a word pairing, brainstorm a synonym for a particular word?
MR. MILLER: Object.
A I'd have to -- I'd have to go back through the -- through the content. Let me look at my report, because I think -- I -- I don't recall. I'd have to go back through the -- through the list to answer that question.
Q If you could go to Paragraph 5 of your supplemental report. You identify two additional Hugging Face datasets.
Do you see those? One was published January 15th, 2026, and then one was -- I'm sorry. Let me take that -- take a step back.
Both were published on January 15th, 2026, but they were based on data from November of 2025.
Do you see that?
A Yes.
MR. MILLER: Objection to form.
Go ahead.
A That's -- that's my understanding, yes.
Q Okay. And were you aware of those datasets prior to your first deposition in this case?
A I was not.
Q Okay. Did you review the expert reports of Anthropic's experts as part of your work in this case?
MR. MILLER: Object to form.

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A With respect to these datasets or with respect to --
Q Generally. Did you review the expert reports of Anthropic's data -- Anthropic's experts in this case?
A I reviewed the -- I reviewed Anthropic's experts, and if they -- if they mentioned these particular datasets, I -- I must have missed that.
Q Now, with respect to these particular datasets, did you -- so you weren't aware of them prior to your first deposition? That's what your testimony is?
MR. MILLER: Objection; asked and answered.
Go ahead.
A I certainly recall the Economic Index. I'm not sure I was aware of these particular specific CS- -- CSV files. That's what I'm saying.
Q How did you become aware of them?
A Through counsel.
Q And was that after your first deposition in this case?
A It was.
Q Do you have any explanation for why

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counsel didn't or couldn't provide you with those datasets prior to your first deposition in this case or prior to your expert report?
MR. MILLER: Object to form.
Go ahead.
A I don't.
Q If you could go to Paragraph Number -- back to Paragraph Number 5. You say there in the last sentence, The datasets include "clusters" of usage data demonstrating that both API and Claude.ai users have used Claude for song-related use cases, including identifying specific songs and writings, editing, or generating song lyrics.
Do you see that?
A I do.
Q In your review of the Economic Index report, you recall that the index report makes the observation that Claude.ai and APIs can be used to actually serve a broad use of use cases relating to learning creative work and personal assistance, right?
MR. MILLER: Object to form.
A I'm -- can you -- can you ask the question again? I apologize.
Q Yeah, happy -- let me try to simplify it.

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The Economic Index report explains that creatives can use Claude for a broad range of use cases, including learning, helping facilitate creative work, and personal assistance, right?
A I -- that's consistent with my understanding. I can't remember those exact words, but I'll -- I'll take your word for it.
Q Okay. Could you identify or did you identify in your expert report any data from those Hugging Face datasets in which any creative identified any particular job displacement or impact as the result of AI-related song or music production?
MR. MILLER: Object to form.
Q And you can feel free to look at your expert report, if you need to.
A So my understanding is -- and now I'm looking at Figure 1. Right? Figure 1 is based on the queries which are in -- which are in the data and are characterized into these -- into these clusters, and based on that data, Anthropic's economists and analysts identified a degree of AI coverage both observed in the data and theoretical over time.
That's -- that's what I'm talking about in

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the report.
Q Okay. We're going to talk about Figure 1 in a second. I'm not asking about Figure 1. Well, let me -- maybe I should take a step back, actually.
Did you go and actually look at the two Hugging Face datasets that were published by Anthropic on January 15th, 2026?
A The datasets cited in the -- in the footnote?
Q Yes.
A Yes.
Q Okay. And then did you actually look at the aggregated first-party usage metrics that were included there?
A Can you -- can we pull up those data?
Q I'm just -- I'm not asking you any questions about what's in them yet. I just want to know: Did you actually go and look at the data that was in those datasets?
A I looked at the data in those datasets.
Q Okay.
A Basically what I did is I trimmed -- trimmed it down to just -- just the U.S., and trimmed it down to just the cluster, and I've

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forgotten the cluster name, but just -- just the cluster relevant and then just the job tasks relevant.

Q Okay. Great.

So, then, my question was: Looking at that set of data that you looked at -- I'm not asking about Figure 1 yet. We'll get to that. Looking at the data that you actually looked at in the Hugging Face datasets, did you see any specific data that would translate Claude usage to actual, real-world job displacement for --

MR. MILLER: Objection.

Q -- songwriters or musicians?

MR. MILLER: Object to form.

A That's not the purpose of the data, as I understand it. That's -- you --

Q Can you identify -- let me take a step back. Maybe I'll ask the question this way, and maybe that will address that.

Can you identify in the dataset or in Figure 1, I'm now including Figure 1 --

A Okay.

Q -- any specific example or any specific quantification, maybe is a better way to put it, of job displacement that has occurred or had been

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observed for songwriters and musicians in particular as opposed to other people in Arts & Media?

MR. MILLER: Object to form.

Go ahead.

A Figure 1, the category Arts & Media, which I believe, based on the data, includes poets, lyricists, and creative writers, includes an observed AI coverage of -- let me get these numbers right -- around 20 percent, and a theoretical AI coverage of what appears to be a little bit over 80 percent.

Q Right. But I'm not asking -- so, to be clear, I'm not asking about theoretical. I'm asking about observed.

In the category of observed coverage that you just identified, are you able to take that number and break it down to specifically songwriters or lyricists as opposed to all the other categories of professions that would fall within the Arts & Media category?

A The data aren't designed to make that analysis. The data -- the data that are collected. I can't make that analysis from the data that were collected.

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Q Okay. Now, if you could go back to Paragraph Number 8 in your report.

A Okay.

Q You say --

A Let me read the paragraph.

Q Yeah, of course. Take your time.

A Correct. Okay.

Q Okay. So in Paragraph Number 8, we talk about -- you talk about the Arts & Media category that we just talked about, right?

A Correct.

Q Okay. And you say, Anthropic does not expressly define which occupations fit in this category.

Do you see that?

A Yes.

Q But you assumed that poets, lyricists, and creative writers were included.

You see that?

A Based on the fact that it's one of the occupations in the O*Net data, yes.

Q Okay. And your testimony is that you cannot, based on the data that was available and that was used for this study, get more granular than Arts & Media, correct?

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A It'd be helpful for me -- yeah. It'd be helpful for me to actually look at the data. Could I -- could I either have that dropped into the chat, or -- or I'd also be happy to open it from my computer, whichever would be easier.

Q Yeah. Why don't I give you Tab Number 6, which is the Labor Market report, which is from -- from where Figure 1 was collected.

MS. MEHTA: So let's mark as Exhibit Number 5, Tab Number 6, which is the report.

TECHNICIAN: Stand by one moment.

(Exhibit 5 was marked for identification and is attached to the transcript.)

A And the reason I'm asking this is I want to make sure I -- you know, have a strong memory of what data are actually included --

Q Yeah.

A -- or what fields are actually included.

Q And while that's being pulled up, you might want to read Paragraph 9, too, because you talk about this a little bit more in Paragraph 9. That might also orient you while that exhibit is loading.

TECHNICIAN: It should be in the chat now.

THE WITNESS: Let me refresh that and

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download that and finish reading this.
Right. So these -- these are the tasks.
And let me open -- and this is the report, not the
data. Not the raw data.
BY MS. MEHTA:
Q Yeah, because I want to talk to you about
Figure 1, which is from the report, right?
A Okay.
Q Figure 1 comes from the report?
A Figure 1 comes from Page 6 of the -- of the report you put in front of me, but I -- I don't have -- I don't have the raw data, is -- in front of me.
Q Yeah. I'm asking you about Figure 1. I'm not asking you about the raw data.
So with respect to Figure 1, which you excerpt in your expert report, you were relying on the Arts & Media category that's on the bottom right-hand side, right?
A That's correct.
Q Okay. And in the Arts & Media category, you say that you assume that that category includes the poets, lyricists, and creative writers category from O*Net, right?
A That's my assumption given that it was in

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the O*Net data.
Q Okay.
A And one -- one of the occupations tracked in the O*Net data that Anthropic relied on for the same occupation -- and -- relied on the same occupation appears in Anthropic's Economic Index. That's correct.
Q Okay. And then -- but you understand that there are other O*Net categories that also would fall within the Arts & Media subcat- -- or super category, right?
A I do understand that.
Q Okay. And if we could go to Paragraph 9 -- or feel free to look at the report itself if you need to, my question -- I want to be very clear on this -- is are you able to quantify supposed observed AI coverage in the Arts & Media category in a level that is any more granular than Arts & Media?
In other words, can you be more specific as to any subcategory of profession or occupation that's covered than the Arts & Media label?
MR. MILLER: Object to form.
Go ahead.
A I could go in -- and, again, I'm doing

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this from -- from memory of the data. I could go in and look at the categories, what -- of tasks like, write words to fit musical compositions, including lyrics for operas, musical plays, and Coralworks, write narrative dramatic lyric and other types of poetry for publications, provides written materials -- anyway, I -- I could go into those specific categories.
Is that what you're asking?
Q No. I'm asking whether from -- from the report itself you're able to tell me whether that 20 percent that you're citing for observed AI coverage is specific to any particular occupation within Arts & Media, or can be analyzed at a more granular level than that category of Arts & Media?
MR. MILLER: Object to form.
A Yeah. The report itself just talks about Arts & Media, and it says 20 percent is -- is observed AI coverage, and the theoretical is -- is a little bit above -- above 80.
Q Okay.
A The report does not break it down more -- more granularly than that.
Q Okay. And your expert report also does not have any other breakdown of this data. It

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relies on the 20 percent in the Arts & Media category, correct?
A And the categories observed in the -- in the raw data --
Q Right, but you don't --
A -- which --
Q You don't do any quantification of any category observed in the raw data. I don't see that anywhere in your report, right?
A That's not in the report.
Q Okay. Now, let's go to Paragraph Number 10.
In Paragraph Number 10, you talk about the "Theoretical AI Coverage," right?
A That's correct.
Q Okay. And that means the potential -- I'm sorry. Go ahead.
A I'm sorry. Let me read the full paragraph --
Q Sure.
A -- so that I can --
Q Sure.
A Okay.
Q Okay. And "Theoretical AI Coverage" means the potential for future -- for future coverage

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that has not yet been actualized or observed, right?
A Tasks that are theoretically capable or known -- yeah, they've seen sufficient work-related usage. That's my understanding.
Q Okay. Have you done any kind of quantitative analysis or empirical analysis of "Theoretical AI Coverage" going forward as it relates to any of the tasks that you identified that you think relate to songwriting or lyrics production?
MR. MILLER: Object to form.
A In -- in my report, I think I'm quite clear that I'm relying on the Anthropic report.
Q Could you go to Paragraph Number 11, please?
A Sure. Let me read this to orient myself.
Q Sure.
A Okay.
Q Okay. So you say that -- you reference written statements in the report that talk about the uncertainty of the impact of -- the future impact of AI.
You see that?
MR. MILLER: Object to form.

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A What I say is, As stated by Anthropic in reference to the above graph, "[a]s capabilities advance, adoption spreads, and deployment deepens, the red area will grow to cover the blue."
And then it's not -- you know, and then a longer statement that, I think, I would summarize as saying it's not -- it's not clear we're going to see these immediately from the unemployment data.
Q And it also says that factors like trade policy and the business cycle could cloud interpretations of trend lines?
A That's consistent with what I just said.
Q Okay. And you agree that's true; right? There's a number of different factors that could intersect with AI usage in terms of the economic impact of AI; fair?
MR. MILLER: Object to form.
A Ask the question again.
Q Yes. There are a number of factors that could intersect with AI usage that could bear on the economic impact of AI?
MR. MILLER: Object to form.
A That's certainly correct. Right.
Q Okay. Now, you say that the statements

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comport with your previously expressed opinion that damage to Publishers as a result of Anthropic's alleged infringement and training on Publishers' copyrighted lyrics are not presently quantifiable and may not be fully quantified until well after the damage is done.
Do you see that?
A That's correct.
Q Now --
A I do see that.
Q -- you understand that the -- well, actually, let me ask this -- this way.
I understand you to be talking about the future impact of AI. In other words, as I understand your opinion, it is that you believe that there's no way to quantify the future potential damage from AI?
MR. MILLER: Object to form.
A There's no way to precisely quantify the future damage from AI with the data we have today as -- as long as we also -- you know, as -- as long as I'm also saying that, based on the data we have, there is evidence -- I think I also say this -- AI-produced song lyrics will allow and enable current and future Claude users to generate

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song lyrics capable of competing with Publishers' copyrighted lyrics, increasing the risk of dilution and disruption.
Q Can you identify any song lyrics generated by Claude specifically, not other AI, that have displaced any songwriting opportunities for any songwriter?
A I observed in the interview excerpts -- and I'd have to go back and look carefully to give you exact quotes -- instances of lyricists and -- lyricists saying I'm worried -- and, again, I'm paraphrasing based on memory -- I'm -- I'm worried about the potential of this to damage my future career.
Q Right. Not asking about the future. I'm asking whether up through April 9th, 2026, you can identify any specific instance in which song lyrics generated by Claude have actually displaced any songwriting opportunity for any songwriter or lyricist?
A I -- I think what I'm saying here is consistent with what's said in the Anthropic report. There is -- you know, there's an existing observed coverage of AI -- observed AI coverage of the tasks conducted by Arts & Media, people in

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Arts & Media, which includes lyricists, and then when I combine that with the text in the AI interviews, there's evidence that -- that lyricists today are worried about this capability and worried about this in -- in the future.

Q Okay. Let me break that down a little bit.

I'm not asking about the future. I'm asking about up through April 9th, 2026.

Up through April 9th, 2026, can you identify any instance in which song lyrics generated by Claude have displaced any songwriting opportunity for any songwriter or lyricist?

A What I'm saying in my report is that based on the -- Anthropic's report, the observed AI coverage in the Arts & Media category, which includes lyricists, is 20 percent, and the observed theoretical is -- is a little above 80 percent.

And, again, this is a quote from Anthropic. As capabilities advance, adoption spreads, and deployment deepens, the red area -- which is 20 percent today -- will grow to cover the blue, which is a little above 84 -- a little above 80 percent.

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Q Okay. Let me ask the question again. I'm not asking about the future. I understand your testimony about what may happen and what the report says about what may happen.

I'm asking a very specific question: If the judge and the jury in this case wanted to know, are you able to identify any songwriter or a lyricist that has lost a songwriting opportunity or had a songwriting opportunity displaced by a song generated by Claude? Up to now, up to April 9th, 2026. Can you identify any such opportunity?

A I'm not sure that was my assignment -- go ahead, Corey.

MR. MILLER: Objection; form, asked and answered. It's also borderline beyond the scope of the permitted subjects for this deposition, Counsel.

I'm giving you a little bit of leeway, but that's not going to extend much further if you continue down this road.

BY MS. MEHTA:

Q You can answer, Professor Smith.

A I'm not sure that's part of my task today.

Q If you could -- going back to the -- to

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the Anthropic report that you just referenced in that -- the answer right before this one, other than the Anthropic report and the 20 percent that you're citing there for the Arts & Media category, have you yourself done any empirical study or assessment of what the actual observed AI displacement is in Arts & Media or in songwriting or lyricists' work in particular?

MR. MILLER: Object to form.

Go ahead.

A I've got a doctoral student who's working on this question in a different context, different doctoral student than we talked about previously. So I think technically the answer is yes.

Q I'm talking about -- it's a fair -- it's a fair clarification. I'm talking about in terms of your work in this case.

So other than relying on the 20 percent in the Arts & Media category in this Economic Index report, have you done, for this case, any empirical assessment or quantification of the actual or observed displacement, if any, based on AI usage that would apply to songwriters or lyricists?

MR. MILLER: Object to form.

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Go ahead.

A I think I'm prepared to answer what's -- what's in my report today, which was really just trying to discuss what's in Anthropic's report, and I think its implication for the -- the plaintiffs in this case. That's -- that's -- that's what I'm trying to discuss in this report.

Q Right. But what I'm trying to -- what I'm trying to understand is I didn't see in this report, or in your other report, any analysis that you yourself did.

In other words, you're only relying on the Anthropic Economic Index report. You're not relying on any work that you yourself did to evaluate or quantify the observed impact of AI in that -- in that field; fair?

MR. MILLER: Object to form.

A My understanding is this deposition's about -- about this particular report. This particular report, I think, is quite clear. I'm talking about the Anthropic -- Anthropic-produced reports.

Q Okay. And you haven't done any independent analysis of those questions beyond relying on the Anthropic-produced report, right?

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A I do.
Q They receive few, if any, listener plays, and are rarely recommended.
Do you see that?
A I do.
Q And then it goes on to contrast that with other things. It says, Unlike traditional human artists, AI musicians release much higher volumes of music across many genres.
A Correct.
Q But it concludes that there are far fewer listeners -- or listens, I should say, and recommendations notwithstanding that increased volume, right?
MR. MILLER: Object to form.
A What they say is 94 percent of the tracks are what they -- what they characterize as slop because they receive few, if any, listener plays and are rarely recommended.
Q Is there any analysis -- sorry. Strike that. Let me ask the question this way.
You cite in your paper -- in your declaration a reference to some version of this paper for the proposition that humans can't distinguish between AI-generated content and

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human-generated content, right?
A Correct.
Q Is there anything in the paper that quantifies the extent to which AI-generated content is actually being consumed by people on the platforms? In other words, listens, recommendations, et cetera?
MR. MILLER: Object to form.
A In the -- in the Wu, et al., paper?
Q Mm-hmm.
A In the 318 version of that paper, not that I recall. They were designed -- they were trying to do an experiment where we show people two different, you know, AI and non-AI, and see whether they can determine.
Q Okay. So -- but in terms of whether people were actually listening to AI music or whether AI music was responsible for more streams or more recommendations than human-generated music, that's not something that this paper studies, right?
MR. MILLER: Object to form.
A My understanding is the purpose of this paper was just about detectability.
Q Now, going back to your supplemental

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report at Paragraph 12. So you can -- you can put the Wu paper aside from now. I'm back at Exhibit Number 2, your Second Supplemental Report.
A One second. That's 2, Tab 1?
Q That's right.
A Okay.
Q Okay. So in that paper, we talked a moment ago about Paragraph 12 and your conclusions about the risk of dilution and disruption for the potential market for and value of Publishers' copyrighted lyrics.
Do you see that?
A Mm-hmm.
Q Okay. I'm going to have marked now as Exhibit Number 8 Tab 8.
(Exhibit 8 was marked for identification and is attached to the transcript.)
TECHNICIAN: It's now in the chat.
MS. MEHTA: Great.
BY MS. MEHTA:
Q Professor Smith, if you could open Exhibit 8, this is a Universal Music Group Q4-Fiscal Year 2025 Earnings Call Transcript.
Do you see that?
A I'm pulling it up right now.

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MR. MILLER: Yeah. I'm going to object to the inclusion of this exhibit as outside the scope of Dr. Smith's Second Supplement.
Q Professor Smith, do you have that document in front of you?
A I have it open.
Q In forming your conclusions and opinions with respect to your Second Supplemental Report, including at Paragraph 12 with respect to the dilution and disruption of the potential market for and value of Publishers' copyrighted lyrics, when you served that Second Supplemental Report on March 9th, 2026, had you seen the UMG earnings call transcript that I've marked as Exhibit 8?
A I have not.
Q Have you ever seen the UMG earnings call transcript that I've marked as Exhibit 8?
A I have not.
Q Did counsel for the Publishers provide you with the UMG earnings call transcript before you submitted this expert report or tell you anything about it before you submitted your Second Supplemental Report?
A This is the first time I'm seeing this.
Q Okay. Could you go down to the -- there's

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boxes with little timestamps on them. So that will be the best way for us to figure out what we're talking about.

If you could go to the box with the timestamp 17:34. Do you see that? Let me know when you're there.

A Let me make this a little bit bigger.

Q Sure thing.

A Go ahead. Yep.

Q At 17:34, there's a statement of the earnings call transcript from Lucian Grainge, the chairman and CEO.

Do you see that?

A Yeah, let me just read it so --

Q Sure.

A Okay.

Q So if you go to that -- that statement, that part of the transcript, the CEO talks about a global study on consumer attitudes towards AI and music conducted by UMG and says that the key takeaway is that consumers want AI driven by human intent or AI isn't -- sorry. Key takeaway is that consumers want AI driven by human intent or AI as an enhancement of, not as a replacement for human creativity.

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Do you see that?

MR. MILLER: I'm going to object and instruct the witness not to answer that question.

The order allowing Dr. Smith to be redeposed was expressly limited -- the scope of that second deposition to, and I'm quoting here from ECF Number 632 at Page 1. The deposition is limited in scope to the Second Supplemental Report and the documents produced post-deposition.

As the witness's testimony has made clear, this exhibit is not part of Professor Smith's Second Supplemental Report, and it is not one of the documents Plaintiffs produced after Dr. Smith's first deposition that Anthropic included in its request seeking to redepose Dr. Smith.

These questions, therefore, exceed the permitted scope of the deposition, and I'm going to instruct the witness not to answer them.

BY MS. MEHTA:

Q Professor Smith, do you accept that instruction?

A I will.

Q Did you receive from counsel, prior to submitting your March 9th, 2026, supplemental

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expert opinion, any studies about consumer attitudes towards AI and music? Did counsel provide you any UMG studies before you submitted this supplemental report?

A Not that I'm aware of.

Q If you could go down to paragraph -- I'm sorry, the -- the section that is timestamped 21:56.

A Okay.

Q There's a reference there to comments from Michael Nash, and he talks about 60,000 AI tracks being uploaded a day, and then says, Most of this consent is AI slop or fraud fodder associated with royalty diversion schemes. 85 percent of AI streams on one representative platform, Deezer, were identified as fraud and then excluded from the royalty pool allocation.

Do you see that?

A Let me just read the whole paragraph, look at the whole context.

MR. MILLER: Same instruction. I'm going to instruct the witness not to answer the question as exceeding the permitted scope of the deposition.

BY MS. MEHTA:

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Q Do you accept that instruction?

A I do.

Q Were you made aware of evidence about the fact that Deezer had identified 85 percent of AI fraud schemes as fraud and excluded them from royalty pool allocations prior to submitting your March 9th, 2026, Second Supplemental Report?

MR. MILLER: Same objection. I'm going to instruct the witness not to answer.

Q Do you accept that instruction?

A I do.

Q Okay. There's a section here from Michael Nash that is presented at 23:37. Could you take a look at that?

A Sure. Give me a second to read the whole thing.

Q Sure.

A Okay.

Q Okay. In that section, it says, When we take into consideration the significant opportunities to commercialize AI innovation through new products and services that Lucian outlined and the empirical data demonstrating insignificant and comprehensibly mitigated risks, thoughtful analysis will conclude that the impact

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ACKNOWLEDGMENT OF DEPONENT

I, MICHAEL D. SMITH, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached errata sheet signed by me.

_____ _____
(DATE) (SIGNATURE)

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CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Brooklyn E. Schweitzer, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of April, 2026. My commission expires: May 20th, 2026.



Brooklyn E. Schweitzer, RPR, CRR