EXHIBIT 133

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

9:35 a.m.

Job No.: 628279

Pages: 378 - 483

Stenographically Reported By:

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.

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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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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.

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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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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