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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 5:24-cv-03811-EKL-SVK

DECLARATION OF WILLIAM PITTENGER IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

I, William Pittenger, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am Senior Vice President, General Counsel & Business Development, at ABKCO Music, Inc. ("ABKCO"). I submit this declaration on behalf of Plaintiff ABKCO in support of Plaintiffs' Motion for Summary Judgment. If called upon as a witness, I could and would testify competently to the information contained herein.

2. I have worked in the music industry since 2011 and have been employed by ABKCO since 2014. Over the years, I have held many positions in the music industry, including as an Artist Liaison, a Legal Associate, Director of Business Affairs and now the General Counsel for ABKCO. As General Counsel, I have responsibility for managing all legal issues affecting ABKCO and its business, as well as multiple business and operational responsibilities for the company. As part of my legal role, I supervise litigation for ABKCO and its affiliates, including those that own or control copyrights in musical compositions.

3. ABKCO was founded over 60 years ago and is one of the world's leading independent music publishing companies. ABKCO owns and/or controls the copyrights to iconic musical compositions by legendary songwriters such as: Sam Cooke, Mick Jagger and Keith Richards (of The Rolling Stones), Ray and Dave Davies (of The Kinks), Bobby Womack, and Rudy Martinez (of Question Mark & The Mysterians), among many others.

4. Through my employment at ABKCO, I am familiar with the business records of ABKCO, including documents such as copyright certificates, publishing and administration agreements, and other agreements with third parties (including those referenced in this Declaration) pursuant to which ABKCO owns and/or controls exclusive rights in the musical compositions (sometimes referred to herein as "compositions," "works," or "songs") at issue in this litigation. I have personal knowledge of the information contained in this Declaration through my employment with ABKCO and my understanding of the processes through which ABKCO acquires copyrighted works, including through past acquisitions of other corporate entities and copyright catalogs, as well as ABKCO's business and contractual relationships. Also, I am generally familiar with ABKCO's asset purchase agreements, songwriter agreements, exclusive license agreements, and the company's copyright registration process in the United States.

5. The copyrights in our musical composition catalogs are the principal corporate assets of ABKCO and are central to our business. Accordingly, as a matter of corporate practice and policy, ABKCO acquires its copyrights by entering into signed agreements with songwriters and other rightsholders and protects its copyrights by registering them with the U.S. Copyright Office. In the ordinary course of business, ABKCO retains copies of these agreements, including songwriter contracts and acquisition agreements. ABKCO has followed this corporate practice and policy with respect to all of their musical compositions in this case.

6. Appendices ABKCO-10 – ABKCO-17, corresponding to paragraphs 10 through 17 of this declaration, contain charts listing the 25 musical compositions (the "Works in Suit") for which ABKCO seeks partial summary judgment with regard to ownership.[1] All of ABKCO's Works in Suit have been registered with the U.S. Copyright Office. Appendices ABKCO-10 - ABKCO-17 list, for each Work in Suit, the starting Bates number for the corresponding registration certificate (or registration catalog information) produced by Plaintiffs in discovery. In addition, true and correct copies of the registration certificates, and/or copyright registration information obtained from the U.S. Copyright Office's public catalogs, accompany this Declaration as Exhibits ABKCO-10A – ABKCO-17A. True and correct copies of the agreements and other chain of title documents which are referenced below and which demonstrate Plaintiffs' ownership and/or control of their works in suit accompany this Declaration as Exhibits ABKCO-12B – ABKCO-17B, as applicable.[2]

7. As explained in detail below, ABKCO owned or exclusively controlled all or a portion of the rights provided in 17 U.S.C. § 106 for its Works in Suit during the relevant time period. ABKCO possessed and exploited its exclusive rights, among other things, including the rights to reproduce the Works in Suit, distribute and/or display the Works in Suit to the public, as well as to prepare derivative works of the Works in Suit.

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[1] Each of the Works in Suit is identified in Amended Exhibit B to Plaintiffs' First Amended Complaint (ECF No. 123).
[2] Exhibit numbers correspond to the relevant paragraph number. Exhibits ending in "A" contain the relevant copyright registration documents for each paragraph. Exhibits ending in "B" contain the relevant agreements or other chain of title documents for each paragraph.

8. ABKCO has not authorized Defendant, Defendant's customers, or any other users of Defendant's products and services, including Defendant's AI service Claude, to reproduce, distribute, display, or prepare derivative works of its Works in Suit at issue here.

9. ABKCO's interests in the Works in Suit can be divided into three general categories: 1) ABKCO is the named claimant on the copyright registration; 2) ABKCO acquired ownership or an exclusive license through its acquisition of, or merger with, another entity, i.e., as a successor-in-interest to the original named copyright claimant; and/or 3) ABKCO acquired ownership or an exclusive license via written agreement from a third party named as a claimant or author on the copyright registration.

I. WORKS IN SUIT FOR WHICH ABKCO IS A NAMED CLAIMANT

10. During the relevant time period, ABKCO owned or exclusively controlled all or a portion of the rights to six Works in Suit because ABKCO is the named claimant on the copyright registrations. See Appendix ABKCO-10; Exhibit ABKCO-10A.

II. COPYRIGHT COMPOSITIONS IN WHICH ABKCO ACQUIRED OWNERSHIP OR AN EXCLUSIVE LICENSE THROUGH ACQUISITION OF OR MERGER WITH ANOTHER ENTITY

11. During the relevant time period, ABKCO owned or exclusively controlled all or a portion of the rights to a combined ten Works in Suit by virtue of the fact that ABKCO acquired, merged with, or is a successor-in-interest to a named claimant as described below.

12. **Gideon Music Inc.** is the named claimant on the copyright registration for nine Works in Suit. See Appendix ABKCO-12; Exhibit ABKCO-12A. On April 4, 1970, Gideon Music, Inc. assigned its publishing copyright rights in these nine Works in Suit to ABKCO. Exhibit ABKCO-12B (ABKCO_0000000596) (assignment).

13. **Nanker Phelge Music, Ltd.** is the named claimant on the copyright registration for one Work in Suit. See Appendix ABKCO-13; Exhibit ABKCO-13A. On July 1, 1966, Nanker Phelge Music Ltd. assigned its copyright rights in the Work in Suit to Immediate Music Inc. Exhibit ABKCO-13B (ABKCO_0000000569) (assignment). On April 1, 1970, Immediate Music Inc. assigned its copyright rights in the Work in Suit to ABKCO. Exhibit ABKCO-13B (ABKCO_0000000610) (assignment).

III. WORKS IN SUIT IN WHICH ABKCO ACQUIRED OWNERSHIP OR AN EXCLUSIVE LICENSE FROM A THIRD PARTY

14. During the relevant time period, ABKCO owned or exclusively controlled all or a portion of the rights to a combined nine Works in Suit by virtue of the fact that ABKCO, or its predecessors or through assumed names, acquired ownership or an exclusive license from a named claimant or an author on the copyright registrations, as described below.

15. **Sam Cooke** and various of his heirs are the named claimants and/or authors on seven Works in Suit. See Appendix ABKCO-15; Exhibit ABKCO-15A. ABKCO acquired ownership interest to these Works in Suit during the relevant time period pursuant to three Purchase and Sale Agreements with Barbara Cooke, dated Mar. 4, 1988; Denise Somerville, dated May 8, 1986; and Linda Womack et al, dated Sep. 25, 1986. See Exhibit ABKCO-15B (ABKCO_0000000473; ABKCO_0000000504; ABKCO_0000000528) (agreements).

16. **William Denson** is the named claimant on one Work in Suit to which he subsequently conveyed publishing and all copyright rights to ABKCO in a songwriter agreement dated Aug. 1, 1991. See Appendix ABKCO-16; Exhibit ABKCO-16A; Exhibit ABKCO-16B (ABKCO_0000000599) (songwriter agreement).

17. **Bobby Womack and Shirley Womack** are the named claimants on one Work in Suit. See Appendix ABKCO-17; Exhibit ABKCO-17A. On Apr. 12, 2011, Shirley Womack assigned her rights to ABKCO post-termination. Exhibit ABKCO-17B (ABKCO_0000000574) (assignment). On Nov. 30, 1990, Bobby Womack also confirmed that he assigned his rights to ABKCO. Exhibit ABKCO-17B (ABKCO_0000000570) (confirmation of assignment).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



William Pittenger

Executed this 20th day of March, 2026 in New York, NY.

SIGNATURE ATTESTATION PURSUANT TO CIVIL L.R. 5-1(h)

Pursuant to Civil L.R. 5-1(h), I hereby attest that concurrence in the filing of this document was obtained from the signatory of this document. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 23, 2026

/s/ Nicholas C. Hailey
Nicholas C. Hailey