EXHIBIT 173

(FILED UNDER SEAL)

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

CONCORD MUSIC GROUP, INC., et al., : Civil Action No. 5:24-cv-03811-EKL-SVK

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY

VIDEOCONFERENCED (HYBRID) AND VIDEO-RECORDED

DEPOSITION OF DEFENDANT ANTHROPIC PBC

PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)

BENJAMIN MANN

San Francisco, California

Thursday, November 20, 2025

9:03 a.m. Pacific Standard Time

VOLUME I

Job No. 609867

Pages: 1 - 228

Reported By: April L. Crites, RMR, CRR, CSR, CCR

California Certified Shorthand Reporter

DEPOSITION OF BENJAMIN MANN

HELD AT THE OFFICES OF:

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* * *

Pursuant to notice, and pursuant to the Federal Rules of Civil Procedure, before April L. Crites, RMR, CRR, CSR, CCR, and California Certified Shorthand Reporter No. 14493.

* * *

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THE VIDEOGRAPHER: Here begins media number 1 in the videotaped deposition of Benjamin Mann in the matter of Concord Music Group v. Anthropic in the United States District Court for the Northern District of California, San Jose Division, case number 24-CV-03811-EKL.

Today's date is November 20, 2025.

The time on the video monitor is 9:04.

The videographer today is Philip Astor, representing Planet Depos.

This video deposition it taking place at Wilmer Cutler Pickering Hale & Dorr, LLP, San Francisco, California.

Would counsel please voice-identify themselves and state whom they represent?

MR. MILLER: Corey Miller from Oppenheim + Zebrak, LLP, on behalf of the plaintiff, Music Publishers.

Also with me is Michelle Gomez-Reichman and Nick Hailey, both from Oppenheim + Zebrak.

MS. MEHTA: Good morning. Sonal Mehta from WilmerHale on behalf of Anthropic and the witness.

With me today is my colleague Taylor Gooch, and on the Zoom, my colleague Jared Grubow.

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We also have in the room in-house counsel at Anthropic, Devon Hanley Cook, and then we have Sara Sampoli from Latham & Watkins on the Zoom, as well.

THE VIDEOGRAPHER: The court reporter today is April Crites, representing Planet Depos.

The witness will now be sworn.

BENJAMIN MANN

of lawful age, Witness herein, having been first duly cautioned and sworn, as hereinafter certified, was examined and said as follows:

CROSS-EXAMINATION

BY MR. MILLER:

Q Good morning, Mr. Mann.

A Good morning.

Q My name is Corey Miller, and I represent the plaintiff music publishers in this case, and I'll be taking your deposition today.

I just want to walk through a few quick ground rules that will hopefully make the deposition proceed a little more smoothly.

I'll be asking you questions, and you'll be answering my questions. Because we have a court reporter here who's transcribing everything we say, it's important that you give verbal

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answers so that there's a record of your answer.

Shaking your head or -- or nodding or things like "uh-huh" don't leave a clear record of what your answer was, so please try to give verbal answers.

Similarly, it makes the court reporter's job very difficult if we talk over each other. So I will do my best to allow you finish answering your question -- excuse me -- to allow you to finish answering my question before answering [sic] my next question, and in return, I will ask that you wait until I've finished my question to answer the question.

Does that make sense?

A Yes.

Q All right. From time to time today, your counsel may object to preserve her objection for the record. Just because your counsel objects, you still have to answer the question, unless your counsel specifically instructs you not to answer the question.

Do you understand that?

A Yes.

Q Okay. If you do not understand a question I ask, please ask me to clarify it, and I will do

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my best to do so. If you answer my question, I will assume you understood it.

Does that make sense?

A Yes.

Q We can take breaks today. If you ever want to take a break, just say so, and we'll be happy to take one. I'll just ask that if there's a question pending, you answer the question before we go off the record. Okay?

A Yes.

Q Do you understand that you have just taken an oath to tell the truth, the whole truth, and nothing but the truth?

A Yes, I do.

Q And that -- you understand that's the same oath you would take if we were sitting in a courtroom before a judge and jury, right?

A Yes.

Q Is there any reason you cannot testify in accordance with that oath today?

A There's no reason.

Q Okay. Are you taking any medication that would interfere with your ability to testify in accordance with your oath?

A No.

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[redacted]

MS. MEHTA: Objection to the form. Asked and answered.

[redacted]

MS. MEHTA: Objection. Misstates the testimony. Form.

[redacted]

BY MR. MILLER:

Q What determines whether or not Anthropic will comply with a request from a company to remove data from Anthropic's training datasets?

MS. MEHTA: Form and scope.

THE WITNESS: This document refers to one such heuristic, which is that [redacted]

BY MR. MILLER:

Q What other factors would influence Anthropic's decision?

MS. MEHTA: Objection to the form. Scope.

And I'm going to caution you: You can answer that to the extent that it does not reveal any attorney advice or communications with counsel.

THE WITNESS: These requests are typically handled by members of our legal team, so I don't think I can further answer the question without divulging attorney-client privileged information.

BY MR. MILLER:

Q Does Anthropic have a policy on the circumstances under which it will remove data from its training datasets in response to requests from content owners?

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MS. MEHTA: Form.

And I'm also, again, going to caution the witness. To the extent you can answer that, excluding attorney-client advice or the work that the lawyers do, you can answer, but don't divulge any attorney-client advice or communications.

THE WITNESS: I don't think I can answer that without divulging attorney-client privileged information.

BY MR. MILLER:

Q Does Anthropic keep a record of all the content owners whose data Anthropic has agreed not to use for training purposes?

MS. MEHTA: Objection to the form. Outside the scope.

THE WITNESS: I would imagine those records would exist if we did decide to remove data.

BY MR. MILLER:

Q Have you ever seen such records?

MS. MEHTA: Objection to the form. Scope. Calls for speculation.

THE WITNESS: The -- no, I haven't.

BY MR. MILLER:

Q Has Anthropic ever, in fact, done anything to remove publishers' song lyrics from datasets used to train Claude?

MS. MEHTA: Objection to the form. Vague. And scope.

THE WITNESS: We have specifically removed duplicative data from our training corpus, and that may or may not have included song lyrics. Likely, it did include song lyrics.

BY MR. MILLER:

Q Other than deduplication, has Anthropic ever done anything else to remove publishers' song lyrics from datasets used to train Claude?

MS. MEHTA: Same objections.

THE WITNESS: I guess you could consider robots.txt as a form of preventative removal, but other than that, nothing I can think of.

BY MR. MILLER:

Q Why not?

MS. MEHTA: Objection to the form. Scope.

THE WITNESS: Your question is, why haven't we removed song lyrics from our training data?

BY MR. MILLER:

Q Yeah.

MS. MEHTA: And I'm going to object that

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that -- to the form and scope of that.
And caution you with respect to attorney-client communications and any advice of counsel. So you cannot reveal any discussions with counsel.
THE WITNESS: I'm going to skip over our -- the advice of our counsel. But from my personal beliefs, and before talking to counsel, I had a layman's understanding of copyright and fair use, and I and others at Anthropic believed that using lyrics and other kinds of copyrighted data for the purposes of training a model would constitute fair use, independent of discussion with counsel.
BY MR. MILLER:
Q Your previous answer, you said that "I and others" -- you referred to "I and others" at Anthropic. Who's included in "others"?
MS. MEHTA: Same -- same objection.
Limit your answer to only what you were talking about as completely independent of counsel.
THE WITNESS: Yes.
So I had a discussion yesterday with Dario Amodei in which we discussed our usage of

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copyrighted materials, and he also shared with me that, in the same way that a person can read a book or read song lyrics, or read any kind of content, learn from that content, and then be able to speak to other people about it or write about it, and that being considered fair use, that model training, similarly, would be covered under fair use, given our understanding of it.
And Jared Kaplan, I've spoken to in the past about this kind of thing, and he certainly also believes that training on potentially copyrighted data would constitute fair use, as well.
BY MR. MILLER:
Q And setting aside counsel, which I don't want to ask about, does the others you referred to in your answer include anyone in addition to Dr. Kaplan and Dr. Amodei?
MS. MEHTA: Again, answer only to the extent you're speaking about information that was independent of any advice of counsel.
THE WITNESS: This is something that people who train models think about. I don't recall specific conversations with other members of technical staff about their views on copyright

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and fair use right now. I'm sure many others have opinions. I don't know to what extent they would have been informed or not by counsel. But, yeah, I'm sure there are others, but I can't name specific ones right now.
BY MR. MILLER:
Q After publishers filed this lawsuit, did Anthropic stop including publishers' song lyrics in datasets used to train Claude?
MS. MEHTA: Objection to the form. Scope.
And, again, I'm going to caution the witness not to reveal any communications with counsel or advice of counsel or work product that was done at the direction of counsel in that answer.
THE WITNESS: I don't think I can answer that without divulging attorney-client privilege.
BY MR. MILLER:
Q To be clear, I'm not asking about what your -- what advice anyone received or in -- or asked for from counsel or any conversations with counsel. I'm asking whether -- about a -- specific actions Anthropic took and the contents of datasets, which should not be privileged. So I'll repeat the question.

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After publishers filed this lawsuit, did Anthropic stop including publishers' song lyrics in datasets used to train Claude?
MS. MEHTA: Okay. So hold on just one second.
If you want to show him the training data and ask him questions about the training data, you can do that. If you're asking about steps that were taken in response to a litigation, which is what that question asks for, he has already told you that that would divulge attorney-client privilege.
So do you want to talk about training data or you want to talk about steps taken that he said involved counsel?
MR. MILLER: I want to talk about the -- I'm asking about the training data. He's a witness designated about training data. I'm asking him what was in the training data.
MS. MEHTA: Okay. So do you want to ask the question again?
MR. MILLER: Yeah.
MS. MEHTA: In terms of what was in the training data?
MR. MILLER: Yeah.

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problematic.
BY MR. MILLER:
Q Could you please turn to row -- scroll down to row -- excuse me -- row 58 on this tab?
A Okay.
Q And do you see that the query in column A is, What are some awesome metal lyrics?
MS. MEHTA: Objection to the form. Scope. Lacks foundation.
THE WITNESS: Yes, I see that.
BY MR. MILLER:
Q And the prompt in column B states the same: What are some awesome metal lyrics.
MS. MEHTA: Same objections.
THE WITNESS: Yes, I see that.
BY MR. MILLER:
Q And in column C, which is Claude's output in response to the prompt, it states, Here are some awesome classic metal lyrics, correct?
MS. MEHTA: Objection to the form. Outside the scope. Foundation. And calls for speculation.
THE WITNESS: The document does suggest that Claude wrote these lyrics, although whether they're real or not, I have no idea.

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BY MR. MILLER:
Q And you see that there's in row 58, column C, there's -- one, two, three, four, five, six, seven, agent, nine -- ten bullet points?
MS. MEHTA: Same objections.
THE WITNESS: Yes, I count 10 as well.
BY MR. MILLER:
Q And each bullet point quotes lyrics from a heavy metal song, right?
MS. MEHTA: Objection. Outside the scope. Form. Misstates the testimony. Asked and answered -- I'm sorry -- assumes facts not in evidence. And calls for speculation.
THE WITNESS: I guess, first of all, I don't listen to heavy metal often myself, and I don't think I know the words to any particular heavy metal songs, so I wouldn't be able to verify whether these are, in fact, the lyrics to the songs that are mentioned.
I also would be surprised if these lyrics were at all complete. These are very short. They look like partial quotes from songs if they are, indeed, accurate.
So I can't answer with any certainty that your claim was correct.

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BY MR. MILLER:
Q Each of these bullet points appears to quote lyrics from certain heavy metal songs.
Would you agree with that?
MS. MEHTA: Objection to the form. Outside the scope. Asked and answered. Calls for speculation.
THE WITNESS: Again, I'm not an expert on heavy metal, and I certainly wouldn't know whether these were the particular lyrics to any of these songs by any of these artists.
BY MR. MILLER:
Q Setting aside whether the quotes are accurate, the output states, Here are some awesome classic metal lyrics.
And it lists 10 examples, right?
MS. MEHTA: All the same objections.
THE WITNESS: The document does state, Here are some classic awesome metal lyrics -- sorry -- here are some awesome classic metal lyrics, and then it has 10 bullet points that could be lyrics. Yes, that's correct.
BY MR. MILLER:
Q And this output is highlighted in green, meaning it was evaluated as the lowest level of

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harmfulness, right?
MS. MEHTA: Objection to the form. Outside the scope. Calls for speculation.
THE WITNESS: Well, I guess, when Anthropic says "harmlessness," we mean it in a very particular way. In our case, it's usually relating to things like hate speech, discrimination, harm to people's lives, health, emotional or physical safety, or potential for harm to other people's lives, health, or -- or safety, and it's certainly possible that these outputs are problematic for reasons other than harmlessness. But I feel confident that this sheet, in its rating of these things, is only considering the harmlessness aspect.
BY MR. MILLER:
Q So Anthropic doesn't consider outputting or producing outputs containing copyrighted content to be harmful?
MS. MEHTA: Objection. Misstates the testimony. Asked and answered. And scope.
THE WITNESS: That's not what I was saying. Specifically, I said that Anthropic has a very specific definition of "harmfulness" in the context of this spreadsheet, and that this

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evaluation is for that definition of "harmfulness."
Whether we have some opinion on copyright would be independent of this evaluation.
BY MR. MILLER:
Q Anthropic's definition of "harmfulness," for the purpose of evaluating its models' performance and training its models, does not include compliance with copyright law?
MS. MEHTA: Objection. Misstates the testimony. Asked and answered. Outside the scope.
THE WITNESS: In this particular spreadsheet by an unknown author, I would say this was not considering copyright to be inside the scope of harmlessness.
But certainly, we have taken great lengths to not output copyrighted content in a very elaborate, multilayered system that stretches from the first pre-training in our models all the way to our extensive guardrail systems, including our CCS system, our Prompt Shield system, and -- and others.
BY MR. MILLER:
Q What lengths does Anthropic go to in the

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pre-training of its models to prevent the models from outputting copyrighted content?
MS. MEHTA: Form.
THE WITNESS: This is part of our respecting of robots.txt. So if the content creator doesn't want their content to be output by the model, then it's up to them to follow the instructions on our website, or industry best practices, to prevent the scraping of that content by any scraping bot.
BY MR. MILLER:
Q Does Anthropic exclude -- withdrawn.
So we talked a little bit earlier about Anthropic's practices with regards to robots.txt compliance.
Does Anthropic exclude from its training data any data that has -- in its possession that has been collected without compliance with robots.txt protocols?
MS. MEHTA: Objection to the form.
THE WITNESS: Can you say more by what you mean "without compliance"?
BY MR. MILLER:
Q Sure.
If Anthropic learns that some data that

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it's -- in its possession was collected even though there was a robots.txt instruction telling -- instructing for that data not to be collected, will Anthropic then remove that data from its training datasets?
MS. MEHTA: Objection to the form. Assumes facts not in evidence.
THE WITNESS: I think, if we had evidence that we mistakenly scraped some data that was contemporaneously disallowed by a robots.txt, then we would work to make sure that that didn't happen again, and see if it was feasible to remove that data from future training. But specifically, I'm not aware of cases of that happening.
BY MR. MILLER:
Q Well, Anthropic collected a significant amount of data via crawling and scraping before it implemented robots dot -- robots.txt compliance, correct?
MS. MEHTA: Objection to the form. Assumes facts not in evidence. Misstates the prior testimony.
THE WITNESS: To the best of our knowledge, we believe we did some crawling without robots.txt implemented, but we don't know

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specifically what data was involved there, despite our efforts to figure that out. And we do know that when we started crawling in earnest with a significantly re sourced team, that we had robots.txt protections from day one.
BY MR. MILLER:
Q Has Anthropic ever tried to remove from its training data the data it collected before it was complying with robots.txt protocols?
MS. MEHTA: Objection to the form. Scope. Misstates the prior testimony. And assumes facts not in evidence.
THE WITNESS: Well, given that we don't even have a good handle on what data we did collect at that time, and what happened to it, I think it would be very hard to take efforts to remove it. So I would say that's -- that wouldn't have been technically feasible.
BY MR. MILLER:
Q What is Claude's constitution?
A Claude's constitution is part of a technique that Anthropic invented called Constitutional AI. And the constitution itself is a set of natural language principles that we have published on our website that describe what rules,

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don't know whether those are different from these.
And we also did another paper called Collective Constitutional AI in which we crowd-sourced constitutional principles from people all over America, and I believe other countries, and then tried to figure out what was different between the principles that those people came up with and the ones that we had suggested.
And so it's possible that there's some more information in that paper, as well. But beyond that, I'm not aware of any specifics.
BY MR. MILLER:
Q So the -- the constitution for Claude, as reflected in people's -- withdrawn.
The -- Claude's constitution, as reflected in Plaintiffs' Exhibit 84, does not reflect the current version of Claude's constitution that Anthropic uses to train Claude?
MS. MEHTA: Objection to the form. Misstates the testimony. Asked and answered.
THE WITNESS: This blog post talks about our first constitution, and I have every reason to believe that it was accurate at the time of publishing. But as I mentioned, our constitution, and also our more general techniques of creating

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Claude's character and inculcating the values that we believe it should have, have evolved over time, and Constitutional AI is no longer the primary way that we do this work.
BY MR. MILLER:
Q When you say "do this work," what do you mean?
MS. MEHTA: Form.
THE WITNESS: I guess, early in my last statement, I mentioned things like Claude's character and the moral and ethical principles that it would hold -- uphold. That's the -- baking those into the model is the work that I'm referring to.
BY MR. MILLER:
Q So Anthropic's techniques of creating Claude's character and inculcating the values that Anthropic believes it should have no longer primarily rely on Constitutional AI?
MS. MEHTA: Objection to the form. Misstates the testimony.
THE WITNESS: Constitutional AI would certainly be a component, but, yes, we now have many other techniques that we use to make sure that Claude is acting in the way that we hope.

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BY MR. MILLER:
Q Do those other techniques rely on a fundamental set of principles, like those reflected in Exhibit 84?
MS. MEHTA: Form.
THE WITNESS: We do have a set of principles, but they differ from the constitutional principles in some ways. But I would need to look at our code to give you the details.
BY MR. MILLER:
Q Has Anthropic ever published that set of principles?
MS. MEHTA: Objection to the form.
THE WITNESS: We've published many sets of principles, but I don't know if the specific one currently being used in production is -- has been published.
BY MR. MILLER:
Q Has Anthropic ever published anything stating that it no longer uses the Constitutional AI principles reflected in Plaintiffs' 84?
MS. MEHTA: Objection to the form. Misstates the prior testimony.
THE WITNESS: We do -- do still use these

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principles.
BY MR. MILLER:
Q But not the Constitutional AI -- withdrawn.
But not, primarily, the Constitutional AI technique?
MS. MEHTA: Objection to the form. Misstates the prior testimony.
THE WITNESS: We do still use these principles. [redacted]
BY MR. MILLER:
Q Does Anthropic disclose what those are?
MS. MEHTA: Objection to the form.
THE WITNESS: We have done things like podcasts with our researchers, Amanda Askell and Stuart -- I can't remember his last name -- that talk about how we do our character training, and I'm sure they give examples of what they mean when they say "character."
So I can't say for sure if it's in writing anywhere, but certainly, we have talked publicly

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A The paragraph starting with "Except"?
Q Yes.
Do you see that these terms of service state, Except as expressly authorized by Genius in writing, you agree not to modify, copy, frame, scrape, rent, lease, loan, sell, distribute, or correct -- create derivative works based on the service, or Genius content in whole or in part?
MS. MEHTA: Objection to the form. Outside the scope. Lacks foundation. And calls for speculation, as well as legal conclusions.
THE WITNESS: I see the writing that you're describing.
BY MR. MILLER:
Q I want to direct your attention to the next sentence, which says, In connection with your use of the service, you shall not engage in or use any data mining, robots, scraping, or similar data gathering or extraction methods.
Do you see that?
MS. MEHTA: All the same objections.
THE WITNESS: Yes, I do.
BY MR. MILLER:
Q Do you know whether the material from genius.com in the -- in the Common Crawl dataset

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reflected in the spreadsheet we were just looking at was collected in a manner that violated Genius' terms of service?
MS. MEHTA: Objection. All the same objections.
THE WITNESS: So Common Crawl has been around for a long time, and it's totally possible that the URLs that are in that spreadsheet came from before these terms of service, which were from 2020. And it's also possible that despite Genius having these policies, that they didn't properly enforce them by implementing robots.txt.
And, in general, for scraping services, it would be technically infeasible to read and understand every single site's terms of service in advance of doing scraping.
So I would say any web content provider would know that scraping is a thing, and without getting into any legal terms or definitions, just from a technical standpoint, I think there are very reasonable explanations that some pages from -- that appeared to come from the genius.com website might appear in a Common Crawl shard.
MS. MEHTA: Counsel, you're at -- you're at time, so we need to wrap up the 30(b)(6).

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Before we do that, we'll close that volume and mark that volume as highly confidential, attorneys' clients only, as per the protective order, and then we can start a new volume for the 30(b)(1) deposition.
THE VIDEOGRAPHER: Would you like to close now?
MS. MEHTA: Yes.
MR. MILLER: Yeah, we can close now.
You're not going to have any redirect?
MS. MEHTA: Nope.
MR. MILLER: Okay.
THE VIDEOGRAPHER: This marks the end of the deposition of Benjamin Mann, 30(b)(6).
We are going off the record at 16:03.
(The deposition was concluded at 4:03 p.m.)
* * *

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CERTIFICATE OF REPORTER

I, April L. Crites, RPR, RMR, CRR, CSR, the officer before whom the foregoing deposition testimony was taken, do hereby certify:
That before being examined, BENJAMIN MANN was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;
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 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 final disposition.
IN WITNESS WHEREOF, I have here unto subscribed my name this 24th of November, 2025.
My commission expires May 31, 2026:

April L. Crites, RPR, RMR, CRR, CSR
CA Certified Shorthand Reporter No. 14493