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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 DR. ROBERT LEONARD IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

I, Robert Leonard, hereby declare pursuant to 28 U.S.C. § 1746:

1. I have been retained by Plaintiffs Concord Music Group, Inc., Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music – MGB NA LLC, Polygram Publishing, Inc., Universal Music – Z Tunes LLC, and ABKCO Music, Inc. (collectively, "Plaintiffs" or "Publishers"), in connection with the above-captioned matter. Publishers have asked me to assess the linguistic relationship between certain datasets, including Plaintiffs' lyrics and certain outputs from Anthropic PBC's ("Anthropic") large language model artificial intelligence ("AI") service known as Claude.

2. I submit this declaration in connection with Plaintiffs' Motion for Partial Summary Judgment. I previously submitted a declaration in support of Plaintiffs' Motion for Preliminary Injunction, ECF No. 50 (my "November 2023 Declaration"). In addition, I submitted an Opening Report in this matter on December 19, 2025 (my "Opening Report") and a Reply Report on February 13, 2026 (my "Reply Report"). Thereafter I was also deposed by Anthropic.

3. My statements set forth below are based on my specialized knowledge, education, and experience, as applied to the facts and circumstances of this case. If called upon, I would and could competently testify as to the matters contained herein.

I. Background and Qualifications

4. I am a tenured Professor of Linguistics at Hofstra University. I have taught linguistics at the college level for some 40 years, including 35 years at Hofstra, where I have created over 30 courses in linguistics. I served for seven years as Chair of Hofstra's Department of Comparative Literature, Languages, and Linguistics, the department that included linguistics, literature, and 12 foreign language degree programs.

5. I received a Ph.D. in linguistics from Columbia University in 1982 in theoretical semantics—an evidence-based theory of how human language conveys meaning—and sociolinguistics, which studies how humans do (or do not) communicate in the real world. These studies are directly based on worldwide field collections of actual language use. For my PhD from Columbia, I collected data in NYC, Detroit, London, Mombasa, and Bangkok.

6. I received a B.A. from Columbia College in 1970, where I was elected to Phi Beta Kappa and graduated with honors, and I received an M.A. and M.Phil. from Columbia Graduate School, where I was awarded a Faculty Fellowship. In graduate school, in addition to my training in linguistics per se, I was mentored by Professor Allen Walker Read, one of the foremost lexicographers of the 20th century. I was awarded a Fulbright Fellowship for my dissertation research.

7. I have been qualified as an Expert in Linguistics, under the *Frye* and *Daubert* standards, in 15 States and 11 Federal Districts.

8. I also have a background in the music industry, having been one of the founding members, and leader and a lead singer, of the rock and roll doo-wop group Sha Na Na. I performed at the original Woodstock Festival and numerous other well-known venues, and participated in the recording of albums.

9. A copy of my curriculum vitae, which provides additional detail on my education, qualifications, and professional affiliations, as well as a list of the publications I have authored, is attached to this report as **Appendix A**.

II. Documents Analyzed

10. To conduct my analysis, I was provided with a copy of Plaintiffs' First Amended Complaint, Exhibit A to the Amended Complaint (which contains the list of compositions in suit), and a version of Exhibit A which includes a "BCG_ID" for each composition in suit.[1] I understand that BCG_ID is a unique numerical identifier assigned to each work by Publishers' vendor, BCGuardian. The First Amended Complaint provided general background regarding Publishers, Anthropic, and Claude. Relevant to this declaration, my analysis primarily involved five datasets, each of which is described immediately below.

11. The first dataset, which I call the "LyricFind Lyrics" consists of 499 documents collected by Plaintiffs' vendor BCGuardian containing lyrics sourced from LyricFind, which I

[1] *See* ECF No. 49-1 (November 14, 2023 Declaration of Dan Seymour in Support of Plaintiffs' Motion for Preliminary Injunction ("Seymour Declaration"), Exhibit A)

understand to be a website that has the lyrics to compositions available for review online.[2] Each file provided to me was identified by a BCG_ID and relates to a specific composition in suit.

12. In certain instances, the data I analyzed contained recognizable song lyrics from compositions that I understand are not asserted in this suit. For example, one of the Claude outputs I analyzed appears to include some lyrics from "Just the Two of Us" by Bill Withers. *See* **Appendix F**, Prompt "S". In such instances, I identified publicly available lyrics from LyricFind. The full lyrics for each such work are identified in **Appendix B**, including a link to the LyricFind webpage where I identified the lyrics.

13. The second dataset, which I call the "Direct Claude Responses," consists of records for 499 responses given by Claude to requests I understand were submitted on behalf of Plaintiffs by Plaintiffs' investigator BCGuardian.[3] Each of the Direct Claude Response files was identified by a BCG_ID and relates to a specific composition in suit. Each of the Direct Claude Responses was the result of a direct query to Claude "What are the lyrics to [composition title] by [recording artist]". *See* **Appendices C–E** for a full catalog of the language of all 499 of these outputs paired with the LyricFind Lyrics for the same composition.

14. The third dataset, which I call the "Indirect Claude Responses," consists of records of Claude's response to an additional 28 queries which I understand were likewise submitted on behalf of Plaintiffs.[4] The Indirect Claude Responses are Claude outputs where, generally, the prompt does not directly request the lyrics to the resulting composition. *See* **Appendix F** for a full catalog of the language of these query results.

15. The fourth dataset, which I call the "Anthropic-Produced Claude Responses," consists of records produced by Anthropic for 109 responses given by Claude to its users. Each of the Anthropic-Produced Claude Response files was identified by a Bates Number and relates to a specific composition or compositions in suit. The Anthropic-Produced Claude Responses were the

[2] *See* ECF No. 49-6, 49-7 (Seymour Declaration, Exhibit D).
[3] *See* ECF No. 49-2, 49-3, 49-4 (Seymour Declaration, Exhibit B).
[4] *See* ECF No. 49-5 (Seymour Declaration, Exhibit C); ECF No. 48-1 (November 16, 2023 Declaration of Timothy Chung in Support of Plaintiffs' Motion for Preliminary Injunction, Exhibit A)

result of a variety of prompts, as reflected in the records. *See* **Appendix G** for a full catalog of the language of all 109 of these outputs paired with the LyricFind Lyrics for the same composition.

16. The fifth dataset, which I call the "Deposit Copies," consists of copies of United States Copyright Office deposit copies of 13 compositions provided to me by counsel.[5] The Deposit Copies were provided in the form of sheet music with typed or handwritten lyrics, sometimes with additional annotation, or audio files. *See* **Appendix H** for a full catalog of the transcribed deposit copy language as compared to the LyricFind lyrics.

III. Assignment

17. I was asked by Plaintiffs' counsel to conduct a linguistic comparison of (1) the Direct Claude Responses, Indirect Claude Responses, or Anthropic-Produced Claude Responses and (2) the LyricFind Lyrics. My analysis for each of these comparisons proceeded in two steps. First, I analyzed each Claude response against the LyricFind Lyrics on a word-by-word basis and categorized the nature of the relationship between the two into one of six categories summarized in each Appendix and described in more detail in my November 2023 Declaration and Opening Report.[6] Second, I considered the evidence of copying present on a per-composition basis and tested the following competing hypotheses: that the nature and degree of any similarities between the LyricFind Lyrics and the output by Claude is more likely attributable to:

Hypothesis 1 – copying by Claude from the composition's lyrics OR

Hypothesis 2 – any alternative explanation, for example copying from something that is not the composition's lyrics such as set phrases or formulaic language, or from independent creation.

[5] Plaintiffs_0000009737 ("American Pie"); Plaintiffs_0000009741 ("A Change is Gonna Come"); Plaintiffs_0000009742 ("God Only Knows"); Plaintiffs_000009743 ("What A Wonderful World"); Plaintiffs_0000009744 ("All Along The Watch Tower"); Plaintiffs_0000009746 ("Born To Be Wild"); Plaintiffs_0000009747 ("Daddy Sang Bass"); Plaintiffs_0000009749 ("You Can't Always Get What You Want"); Plaintiffs_0000009752 ("Brown Sugar"); Plaintiffs_0000009758 ("Sweet Home Alabama"); Plaintiffs_0000009755 ("7 Rings"); Plaintiffs_0000009756 ("Roar"); Plaintiffs_0000009757 ("Uptown Funk").

[6] The categories presented in my Opening Report were refined from those presented in my November 2023 Declaration in response to nuances in the patterns of data. Each Appendix reflects the categories applied to the data therein.

18. In addition, I was asked by Plaintiffs' counsel to conduct a linguistic comparison of each Deposit Copy as compared to the LyricFind Lyrics to determine whether and to what extent the LyricFind Lyrics accurately reflect the language memorialized by the Deposit Copies. This involved a word-by-word comparison, categorizing the nature of the relationship between the two datasets. Second, I considered the degree of overlap present on a per-composition basis to test the following competing hypotheses: that the nature and degree of similarities between the LyricFind Lyrics and the Deposit Copies are such that the LyricFind Lyrics:

Hypothesis A – *accurately* reflect the language of the Deposit Copies, OR

Hypothesis B – *inaccurately* reflect the language of the Deposit Copies.

IV. Direct Claude Responses[7]

19. My analysis with respect to the Direct Claude Responses is presented in **Appendices C–E** along with a summary chart of the coding methodology I applied to these comparisons.

20. With respect to each of the Direct Claude Responses for all 499 compositions-in-suit, my analysis strongly supports **Hypothesis 1**: copying by Claude from the composition's lyrics. In considering the type of copying present on a per-composition basis, I categorized each Direct Claude Response into one of three categories: entirely similar lyrics, similar lyrics with non-substantive dissimilarities, and similar lyrics with missing or different lyrics. The Direct Claude Responses which fall into the entirely similar lyrics category are presented in **Appendix C**. The Direct Claude Responses which fall into the similar lyrics with non-substantive dissimilarities category are presented in **Appendix D**. The Direct Claude Responses which fall into the similar lyrics with missing or different lyrics category are presented in **Appendix E**.

21. The Direct Claude Responses in each of the three categories contain substantially verbatim lyrics that account for a larger proportion than all other encoding categories. That is, even where the comparisons contain differences that categorize songs into the final category, these differences account for only a small portion of any of those songs. My analysis also considers other

[7] My analysis of the Direct Claude Responses was previously presented in my November 2023 Declaration.

indicia of copying, including word and sequence order, segmentation and formatting, and repetition of words, lines, and stanzas. Each of these are common indicia of copying or textual borrowing, and each occur throughout the three categories described above, as well as throughout the comparisons for the Indirect Claude Responses and Anthropic-Produced Claude Responses.

V. Indirect Claude Responses[8]

22. My analysis with respect to the Indirect Claude Responses is presented in **Appendix F**, along with a summary chart of the coding methodology I applied to these comparisons.

23. With respect to the Indirect Claude Responses, my analysis strongly supports **Hypothesis 1**: copying by Claude from the composition's lyrics. As is demonstrated in **Appendix F,** Claude produces Publishers' lyrics in all of the Indirect Claude Responses, and often to the same degree as when explicitly asked for in the Direct Claude Responses. As with the Direct Claude Responses, the 28 Indirect Claude Responses demonstrate a variety of indicia, including a material amount of substantially verbatim overlap, along with the other co-occurring indicia such as order, segmentation, and repetition.

24. Moreover, in these Indirect Claude Responses, Claude also frequently claims authorship over copyrighted lyrics it produces; will author a work "in the style" of given artists and incorporate copyrighted lyrics from that author's other works, will incorrectly label lyrics; and rearranges or combines lyrics in ways that subvert the meaning of the original compositions.

VI. Anthropic-Produced Claude Responses

25. My analysis with respect to the 109 Anthropic-Produced Claude Responses is presented in **Appendix G**, along with a summary chart of the coding methodology I applied to these comparisons.

26. My analysis with respect to the Anthropic-Produced Claude Responses strongly supports **Hypothesis 1**: copying by Claude from the composition's lyrics. The Anthropic-Produced

[8] My analysis of the Indirect Claude Responses was previously presented in my November 2023 Declaration.

Claude Responses each contain substantially verbatim lyrics that account for a larger proportion than all other encoding categories.

VII. Deposit Copy

27. My analysis with respect to the 13 Deposit Copies is presented in **Appendix H**, along with a summary chart of the coding methodology I applied to these comparisons. Where Deposit Copies are provided in audio or entirely capitalized lyrics, orthographic differences are not considered, as capitalization (along with punctuation in the case of audio) is entirely at the discretion of the transcriptionist and not necessarily demonstrative of authorial intent.

28. My analysis of the Deposit Copies as compared to the LyricFind Lyrics strongly supports **Hypothesis A**: that the LyricFind Lyrics accurately reflect the language of the Deposit copies. In forming this conclusion, I considered the word-by-word comparisons on a composition basis in light of the amount of and degree of language variation between the datasets. My analysis demonstrates widespread overlap on a composition-side basis, with the majority of the LyricFind Lyrics being verbatim language from the Deposit Copies and only slight variations in the LyricFind Lyrics as compared to the Deposit Copies.

Executed in Hempstead, NY this 19th day of March, 2026.



Robert Leonard, Ph.D.

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