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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

PLAINTIFFS' REPLY SEPARATE STATEMENT IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

FILED UNDER SEAL

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Publishers' *Prima Facie* Direct Infringement Claim		
Issue 1. Publishers own the 499 Works in Suit ("Works").	Fact # 1. Publishers are leading music publishing companies representing many of the world's top songwriters. Berschback Decl. ¶ 32; Coleman Decl. ¶ 4; Draughon Decl. ¶¶ 23-24; Kokakis Decl. ¶¶ 4, 146; Pittenger Decl. ¶ 3.	Undisputed
	Fact # 2. Publishers own or exclusively control all or a portion of the rights to the 499 Works in Suit (the "Works"), including the lyrics contained therein. Berschback Decl. ¶ 7; Draughon Decl. ¶¶ 4-6, 8-22; Kokakis Decl. ¶¶ 5, 7; Pittenger Decl. ¶¶ 5-17.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Publishers produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex.[1] 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Reqs. For Admis. (Oct. 9, 2025)), at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Dkt. 600-8 ("Leonard Decl. Ex. H"); Dkt. 616 ("Berschback Decl.") ¶ 39; Dkt. 613 ("Coleman Decl.") ¶ 13; Dkt. 619 ("Draughon Decl.") ¶ 29; Dkt. 620 ("Kokakis

[1] Unless otherwise indicated, documents labeled as '**Ex.**' are attached to the Declaration of Robin Burrell in Support of Defendant's Motion for Summary Judgment ("Burrell Decl.") filed concurrently hereto.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Decl.") ¶¶ 143-145; *see also* Dkt. 49, 49-6 to 49-7 ("Seymour PI Decl." & Exhibit D) (Nov. 16, 2023), (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com).
	Fact # 3. Each Work was registered with the Copyright Office within five years of publication. *See* Berschback Decl. ¶¶ 10-31, 33; Draughon Decl. ¶¶ 4, 9-22; Kokakis Decl. ¶¶ 6, 139-41; Coleman Decl. ¶¶ 7-13; Pittenger Decl. ¶¶ 10-17.	Undisputed
	Fact # 4. The lyrics to Publishers' Works available on the lyric aggregator LyricFind.com are genuine and materially accurate. Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-45; *see also* Seymour Decl. (Nov. 16, 2023) and Ex. D, ECF Nos. 49, 49-6 to 49-7 (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com).	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)), at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) 122:25–123:25; Leonard Decl. Ex. H (acknowledging differences in the lyrics between LyricFind.com and deposit copies for the 13 deposit copies produced); Berschback Decl.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
Issue 2. Anthropic unlawfully reproduced the Works as input for its AI models.	Fact # 5. Anthropic copied the lyrics to Publishers' Works as input to train its Claude AI models. Shan Decl. ¶¶ 32-33.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-45; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 6. Anthropic admits that "at least one Claude model was trained on a dataset containing the lyrics to at least one hundred (100) of Publishers' Works listed at Dkt. 337-1." **Ex. 21** (Def.'s Am. Resp. to Publishers' Request for Admission	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	("RFA") No. 20), 22-23; *see also id.* at 20-22 (RFA No. 19); *id.* at 19-20, 23-25 (RFA Nos. 18 & 21); *id.* at 48-71 (RFA Nos. 51-70) (similar admissions).	State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Ex. D.
	Fact # 7. Anthropic does not deny that the lyrics to Publishers' Works are included in Claude's training data. **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025) 2-4; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 95:12-16, 96:10-97:4.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 8. Publishers' inspection of the dataset or "corpus" on which Anthropic trains its Claude AI models identified [redacted] copies of the lyrics to Publishers' Works. Shan Decl.¶ 33.	Disputed Publishers did not inspect the final training mixes on which Claude is actually trained and so lack evidence to establish what any Claude model was actually trained on. Claude is not trained on copies of data, including copies of lyrics, it is trained on tokenized data. Claude is decoupled from the training corpus once trained. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 131 (Shan Dep.) at 300:5-12; Ex. 10 (Zhao Report) ¶¶ 18-19; Ex 2

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		(Bilmes Report) ¶ 132; Ex. 139 (Zhao Dep.) at 179:8-10; 180:14-16; Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 9. Publishers' inspection found that Anthropic's training data contained at least [redacted] copies of the lyrics for each of Publishers' 499 Works in Suit. Shan Decl.¶ 33.	Disputed Publishers did not inspect the final training mixes on which Claude is actually trained and so lack evidence to establish what any Claude model was actually trained on. Claude is not trained on copies of data, including copies of lyrics, it is trained on tokenized data. Claude is decoupled from the training corpus once trained. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 131 (Shan Dep.) at 300:5-12; Ex. 10 (Zhao Report) ¶¶ 18-19; Ex 2 (Bilmes Report) ¶ 132; Ex. 139 (Zhao Dep.) at 179:8-10; 180:14-16; Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 10. For 354 Works, Anthropic's training data contained over [redacted] copies of each, and for [redacted] Works, Anthropic's training data contained over [redacted] copies of each. Shan Decl.¶ 33.	Disputed Publishers did not inspect the final training mixes on which Claude is actually trained and so lack evidence to establish what any Claude model was actually trained on. Claude is not trained on copies of data, including copies of lyrics, it is trained on tokenized data. Claude is decoupled from the training corpus once trained. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		the LyricFind.com lyrics and the produced deposit copies. Ex. 131 (Shan Dep.) at 300:5-12; Ex. 10 (Zhao Report) ¶¶ 18-19; Ex 2 (Bilmes Report) ¶ 132; Ex. 139 (Zhao Dep.) at 179:8-10; 180:14-16; Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 11. Anthropic assembled this collection of Publishers' lyrics by first copying and downloading those lyrics from the internet and third-party datasets. **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025) at 2-4; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 47:8-10, 55:8-11, 79:21-80:11.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def's 3d Set of RFAs (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428,

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 12. Anthropic uses automated tools, such as web crawlers, to "scrape" (*i.e.*, copy and download) text from the internet onto its servers on a large scale. Answer to the First Amended Complaint ¶ 58(a), ECF No. 483 (hereinafter "Answer to FAC"); **Ex. 4,** Mann 30(b)(6) Dep. Tr. 47:7-10, 49:12-17, 51:20-52:7, 55:8-11; *see also* Zhao Decl. ¶ 14.	Undisputed
	Fact # 13. Anthropic has [redacted]. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 56:14-57:1, 57:12-21; **Ex. 23** (Dep. Ex. 128, Anthropic_0000346083); **Ex. 12,** Sangani Dep. Tr. 203:16-204:21 (testifying about Dep. Ex. 128); **Ex. 24** (Dep. Ex. 129, Anthropic_0000343228); **Ex. 4,** Mann 30(b)(6) Dep Tr. 59:16-18 (testifying about Dep. Ex. 129).	Disputed. The evidence cited does not support that Anthropic [redacted]. Ex. 126 (Mann 30(b)(6) Dep.) at 57:2-4.
	Fact # 14. Publishers' lyrics are commonly found on the internet, including on the websites of Publishers' licensees. *See* Berschback Decl. ¶ 44; Coleman Decl. ¶¶ 18-21; Draughon Decl. ¶¶ 33-34; Kokakis Decl. ¶¶ 149-51; Decl. of Jared Kaplan ISO Def.'s Opp.'n To Pls.' Mot. for Prelim. Inj. (Jan. 16, 2024), ECF No. 67-1, ¶ 24.	Disputed. Publishers' lyrics are also commonly found and displayed on the internet on websites that do not have licenses with Publishers. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 7 (Shan Report) ¶ 49 & Exhibit D; Ex. 29 (Pl.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 15. As part of its web scraping efforts, Anthropic has downloaded copies of Publishers' lyrics, including from the websites of Publishers' licensees, without authorization. Shan Decl. ¶¶ 36-38; *see also* Berschback Decl. ¶¶ 52, 55; Coleman Decl. ¶ 28; Draughon Decl. ¶¶ 7, 38; Kokakis Decl. ¶¶ 149-51, 168.	Disputed. Anthropic permissibly scraped lyrics from the websites of Publishers' licensees, and other unlicensed lyric websites, based on those websites robots.txt files at the time of its crawls, which did not disallow Anthropic from scraping. Publishers cannot demonstrate the scope of rights they control for the work in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies,

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 126 (Mann 30(b)(6) Dep.) at 30:12-18; Ex. 7 (Shan Report) ¶ 49 & Exhibit D; Ex. 2 (Bilmes Report) at § VII.A & ¶ 306, Table 8; Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 16. Anthropic copies and uses third-party dataset the Common Crawl for AI training. Answer to FAC ¶ 67; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 22), at 25; **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 39:12-14, 41:6-21; **Ex. 4**, Mann 30(b)(6) Dep. Tr. 216:14-18.	Undisputed
	Fact # 17. The Common Crawl dataset is known to contain unauthorized copies of Publishers' lyrics. Zhao Decl. ¶ 17; Shan Decl. ¶¶ 33, 41; Decl. of Jared Kaplan ISO Def.'s Opp.'n To Pls.' Mot. for Prelim. Inj. (Jan. 16, 2024), ¶ 24, ECF No. 67-1; **Ex. 22** (Def.'s Am. Suppl. Resp. to	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com).
	Fact # 18. Anthropic copies and uses third-party dataset the Pile for AI training. Answer to FAC ¶ 69; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 30), at 31-32; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 47:1-5, 49:18-23.	Undisputed
	Fact # 19. The Pile dataset is known to contain unauthorized copies of Publishers' lyrics. Zhao Decl. ¶ 17; *see* Shan Decl. ¶ 41; *see also* **Ex. 5,** Mann 30(b)(1) Dep. Tr. 45:12-17; Leo Gao *et al.*, *The Pile: An 800GB Dataset of Diverse Text for Language Modeling* 1, ARXIV (Dec. 31, 2020), https://arxiv.org/pdf/2101.00027.	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; see also Seymour PI Decl. & Exhibit D.
	Fact # 20. Anthropic also copies and uses third-party dataset YouTube Subtitles for AI training. **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 56:11-15.	Undisputed
	Fact # 21. The YouTube Subtitles dataset is known to contain unauthorized copies of Publishers' lyrics. Zhao Decl. ¶ 17; *see* Shan Decl. ¶ 41; *see also* **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 22. Anthropic also copies and uses third-party dataset OpenWebText2 for AI training. **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	Undisputed
	Fact # 23. Anthropic has stated that the OpenWebText2 dataset it used to train Claude is among its datasets "more likely to contain song lyrics than other datasets." **Ex. 22** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 6, Oct. 9, 2025), at 3.	Undisputed
	Fact # 24. When Anthropic copies content from the internet and third-party datasets for AI training, it stores that content in "its unaltered, original form." **Ex. 5,** Mann 30(b)(1) Dep. Tr. 100:13-16.	Disputed. Anthropic neither trains its models on nor stores within its models, data in its unaltered original form. Ex. 124 (Mann 30(b)(1) Dep. Vol. 1) at 100:6-17; Ex. 125 (Mann 30(b)(1) Dep. Vol. 2) at 198:1-10; Ex. 10 (Zhao Report) ¶¶ 18-19; Ex. 18 (Zhao Rebuttal) ¶ 11.
	Fact # 25. Anthropic next filters and "cleans" the text it has copied to remove content it wishes to exclude from AI training. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025),	Undisputed

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	at 6-9; Answer to FAC ¶ 58(b); **Ex. 5,** Mann 30(b)(1) Dep. Tr. 78:1-13, 79:8-12, 80:25-81:5, 84:25-85:3; *see also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 80), at 82-83.	
	Fact # 26. Anthropic has chosen not to exclude Publishers' Works (or other copyrighted works) from its AI training dataset. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 102:23-103:23, 107:25-108:16, 116:24-117:12; *see also* Decl. of Jared Kaplan ISO Def.'s Opp.'n To Pls.' Renewed Mot. for Prelim. Inj. ("Kaplan Decl.") (Aug. 22, 2024), ¶ 37, ECF No. 209; Def.'s Opp.'n to Pls' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 6, ECF No. 207; Zhao Decl. ¶ 22.	Disputed. Anthropic has not sought out the works in suit for inclusion in its training corpus. The works in suit may appear in the training corpora because they are published ubiquitously for free across the internet. Anthropic collected the purported lyrics to the works in suit from webpages that did not disallow Anthropic from crawling and scraping their contents. It is technologically infeasible to search for and identify copyrighted works for removal prior to training. Ex. 10 (Zhao Report) ¶ 64; Ex. 7 (Shan Report) ¶ 45.i; Ex. 126 (Mann 30(b)(6) Dep.) 108:5-8, 114:8-9, 116:24-117:3; Ex. 2 (Bilmes Report) at § VII.A & ¶ 306, Table 8, §§ VII.B-C; Ex. 11 (Bilmes Rebuttal) at ¶¶ 82-92.
	Fact # 27. Anthropic copies this corpus of previously copied text into computer memory and processes this data in multiple ways to train Claude by establishing the values of billions of parameters that form the model. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025), at 7-9; Answer to FAC ¶ 58(c); Kaplan Decl. ¶¶ 20, 29, ECF No. 209; s*ee also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 13), at 15-16; *id.* at 81-82 (RFA No. 79); Zhao Decl. ¶ 23.	Disputed. The process of training Claude involves filtering, cleaning, de-duplicating, and tokenizing a dataset, but does not include copying previously copied text into computer memory. Tokenizing data is not copying. Ex. 10 (Zhao Report) ¶¶ 18-19; Ex. 2 (Bilmes Report) ¶¶ 132, 141-142, 152-153, 287; Ex. 125 (Mann 30(b)(1) Dep. Vol. 2) at 198:1-10.

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	Fact # 28. That includes copying, dividing, and converting the collected text into short text fragments called known as "tokens." Answer to FAC ¶ 58(c); **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025), at 8; Kaplan Decl. ¶ 19, ECF No. 209; *see also* Zhao Decl. ¶ 23.	Disputed Tokenizing data is not copying. Ex. 10 (Zhao Report) ¶¶ 18-19; Ex. 2 (Bilmes Report) ¶¶ 132, 141-142, 152-153, 287; Ex. 125 (Mann 30(b)(1) Dep. Vol. 2) at 198:1-10.
	Fact # 29. Anthropic stores copies of Publishers' lyrics in tokenized format to train Claude, allowing Claude to reintegrate those tokens as text on command in response to user queries. Answer to FAC ¶ 58(c); **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 9, Nov. 12, 2025) at 8; Kaplan Decl. ¶ 19, ECF No. 209; *see also* Zhao Decl. ¶ 23.	Disputed Publishers' purported lyrics are not stored as "copies" after the text has been tokenized. Tokenizing data is not copying. Claude's outputs are stochastic and Claude is not simply "reintegrat[ing] tokens" in response. Ex. 10 (Zhao Report) ¶¶ 18-19; Ex. 2 (Bilmes Report) ¶¶ 132, 141-142, 152-153, 271, 280-285 & Figure 33, 287; Ex. 125 (Mann 30(b)(1) Dep. Vol. 2) at 198:1-10.
	Fact # 30. Claude generates text output in response to user prompts based on statistical information derived from tokens during training. Def.'s Answer to FAC ¶ 59.	Undisputed
	Fact # 31. Claude is capable of generating output of Publishers' lyrics verbatim and near-verbatim because those same lyrics were included in Claude's training data. Zhao Decl. ¶¶ 24, 46; *see also* Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 5, ECF No. 207; Answer to FAC ¶ 59.	Disputed Many lyrics include common English phrases or word patterns (e.g., "I love you" or "na na na"). Claude does not need to be trained on full copies of Publishers' purported lyrics to be able to generate the lyrics to the works in suit. Ex. 126 (Mann 30(b)(6) Dep.) at 114:22-115:10; Ex. 19 (Bilmes Reply) ¶¶ 29, 198; Ex. 2 (Bilmes

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Report) ¶¶ 409-410; Ex. 7 (Shan Report) ¶ 42.
	Fact # 32. The fact that Claude generated output of Publishers' lyrics verbatim and near-verbatim shows that those same lyrics were included in Claude's training data. Zhao Decl. ¶¶ 24, 46.	Disputed Many lyrics include common English phrases or word patterns (e.g., "I love you" or "na na na"). Claude does not need to be trained on full copies of Publishers' purported lyrics to be able to generate the lyrics to the works in suit. Ex. 126 (Mann 30(b)(6) Dep.) at 114:22-115:10; Ex. 19 (Bilmes Reply) ¶¶ 29, 198; Ex. 2 (Bilmes Report) ¶¶ 409-410; Ex. 7 (Shan Report) ¶ 42.
	Fact # 33. Anthropic has never sought nor obtained a license from Publishers to use the Works. **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 110), at 108-09; Berschback Decl. ¶ 52; Coleman Decl. ¶ 28; Draughon Decl. ¶ 38; Kokakis Decl. ¶ 168.	Disputed Anthropic has never obtained an express license from Publishers. Anthropic collected the purported lyrics to the works in suit from webpages that did not disallow Anthropic from crawling and scraping their contents. Ex. 28 (Def.'s Am. Resp. & Obj. to Pls.' 1st Set of Reqs. For Admis. (Nos. 1-119) (Sept. 18, 2025)), No. 110; Ex. 126 (Mann 30(b)(6) Dep.) at 116:24-117:3; Ex. 2 (Bilmes Report) at § VII.A & ¶ 306, Table 8.
Issue 3. Anthropic unlawfully reproduced, distributed, displayed, and prepared derivative works based on the Works in its AI model output.	Fact # 34. Anthropic's Claude output verbatim or near-verbatim copies of the lyrics to all of Publishers' 499 Works in Suit, in response to prompts by Publishers' investigator in the format "What are the lyrics to [song] by [performing artist]?", prior to Publishers' filing suit. **Ex. 1** (comparison chart of Publishers' lyrics and Claude output in response to prompts submitted by	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies,

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	Publishers' investigator for all 499 Works in Suit); *see also* Decl. of Dan Seymour ISO Pls.' Mot. for Prelim. Inj. ("Seymour Decl.") and Exs. B & D (Nov. 16, 2023), ECF Nos. 49, 49-2-49-4, 49-6-49-7 (Publishers' lyrics and same Claude output); Answer to FAC ¶¶ 9, 80-83.	Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Anthropic employs a multi-tiered defense system designed to prevent the inclusion of copyrighted material in Claude's outputs. After Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Dr. Bilmes's analysis shows the effectiveness of Anthropic's guardrails and defenses in preventing outputs containing the claimed lyrics to works in suit, as well as other purportedly copyrighted lyrics, even when directly prompted. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) at §§ V.C, IX.C; Ex. 11 (Bilmes Rebuttal) at § VI.B; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 35. Anthropic's Claude (accessed through the Poe website) output verbatim or near-verbatim copies of lyrics to Publishers' Works in 50 additional instances, in	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	response to prompts by Publishers' investigator in the format "What are the lyrics to [song] by [performing artist]?", between January 25 and 27, 2024. Declaration of Michael Candore and Exs. 1-50 (Feb. 14, 2024), ECF Nos. 96, 96-1 to 96-50 (Publishers' lyrics and Claude output).	the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Anthropic employs a multi-tiered defense system designed to prevent the inclusion of copyrighted material in Claude's outputs. After Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Dr. Bilmes's analysis shows the effectiveness of Anthropic's guardrails and defenses in preventing outputs containing the claimed lyrics to works in suit, as well as other purportedly copyrighted lyrics, even when directly prompted. Anthropic does not have full control over how its guardrails are implemented by third-party interfaces built on its Claude API. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 30 (Def.'s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) at §§ V.C, IX.C; Ex. 11 (Bilmes Rebuttal) at § VI.B; Ex. 19 (Bilmes Reply) at Tables 8 &

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		9; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Exhibit D.
	Fact # 36. Separately, the Claude prompt-output records Anthropic has produced in this case (limited to the period from September 22, 2023 to March 22, 2024) include at least 11 pre-suit and 93 post-suit instances in which Claude output Publishers' lyrics in full or substantial part in response to direct third-party requests for those lyrics, spanning at least 54 Publisher Works. **Ex. 2** (comparison chart of Publishers' lyrics and Claude output in response to third-party prompts, citing Anthropic Claude records) at 1-3, 6-13, 18-19, 26-32, 37-38, 43-44, 47-52, 58-71, 76-128, 138-139, 146-152, 164-200, 203-225, 228-235, 238-241, 249-250, 253-255, 258-267, 271-274, 282-283, 288-298, 301-302, 306-313, 317-320, 324-330.	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Anthropic employs a multi-tiered defense system designed to prevent the inclusion of copyrighted material in Claude's outputs. After Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Dr. Bilmes's analysis shows the effectiveness of Anthropic's guardrails and defenses in preventing outputs containing the claimed lyrics to works in suit, as well as other purportedly copyrighted lyrics, even when directly prompted. Publishers have not shown that any prompts were made by bona fide third parties.

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		Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 30 (Def.'s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) at §§ V.C., IX.C; Ex. 11 (Bilmes Rebuttal) at § VI.B; Dkt. 670; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour PI Decl. & Ex. D.
	Fact # 37. On September 27, 2023, Claude output lyrics to "Message in a Bottle," in response to a Claude user query asking, "What are the lyrics to message in a bottle by the police." **Ex. 2** at 138-139 (citing Anthropic_0000005629); Ex. D to Seymour Decl., ECF No. 49-6 at 105 (Publishers' lyrics to "Message in a Bottle"); Answer to FAC ¶ 88.	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Message in a Bottle. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 643-644.
	Fact # 38. On September 27, 2023, Claude output lyrics to "The Boys Are Back in Town," in response to a different user's request to "print out the lyrics of the song" for karaoke. **Ex. 2** at 265-267 (citing Anthropic_0000003118 at -122-123); Ex. D to Seymour Decl. at 344, ECF No. 49-6 (Publishers' lyrics to "The Boys Are Back in Town"); Answer to FAC ¶ 87.	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for The Boys Are Back in Town.

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		Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 877-878.
	Fact # 39. On October 8, 2023, Claude output lyrics to "Brown Sugar" and "Honky Tonk Women" when a user prompted it for the lyrics to those songs. **Ex. 2** at 26-27, 82-83 (citing Anthropic_0000027591 at -591-593); Ex. D to Seymour Decl. at 393, 398, ECF No. 49-7 (Publishers' lyrics to "Brown Sugar" and "Honky Tonk Women").	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Honky Tonk Women. The lyrics in the Deposit Copy for Brown Sugar and the LyricFind do not match. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 121-122; *Compare* Ex. 38 (Plaintiffs_0000009752), *with* Ex. 141 ("Brown Sugar," LyricFind, https://lyrics.lyricfind.com/lyrics/the-rolling-stones-brown-sugar).
	Fact # 40. On October 29, 2023, Claude output lyrics to "What a Wonderful World" after a user entered the prompt "what a wonderful world lyrics." **Ex. 2** at 310 (citing Anthropic_0000054696 at -698); Ex. D to Seymour Decl. at 386, ECF No. 49-7 (Publishers' lyrics to "What a Wonderful World").	Disputed The lyrics in the Deposit Copy for What a Wonderful World and the LyricFind lyrics do not match. Ex. 5 (Leonard Report App'x H) at 6-7.
	Fact # 41. On December 3, 2023, Claude output lyrics to "White Christmas" in response to a user request for "[l]yrics to white Christmas." **Ex. 2** at 311 (citing ANTH_SAMPLE000292667; ANTH_SAMPLE000293494); Ex. D to Seymour Decl. at 286, ECF No.	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection

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	49-6 (Publishers' lyrics to "White Christmas").	with any application for registration for White Christmas. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Reqs. For Admis. (Oct. 9, 2025)) at Nos. 977-978.
	Fact # 42. On March 1, 2024, Claude output lyrics to "Every Little Thing She Does Is Magic" after a user prompted the model "every little thing she dose [sic] is magic." **Ex. 2** at 49-50 (citing Anthropic_0000197273); Ex. D to Seymour Decl. at 203-04, ECF No. 49-6 (Publishers' lyrics to "Every Little Thing She Does Is Magic").	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Every Little Thing She Does is Magic. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3d Set of Req. For Admis. (Oct. 9, 2025)) Nos. 367-368.
	Fact # 43. Anthropic's records include additional examples of Claude's outputting verbatim or near-verbatim copies of lyrics to Publishers' Works in response to direct requests for those lyrics from third-party users—including "Copacabana," "Gimme Shelter," "How Great Is Our God," "Yellow," "Take Me Out," "Unstoppable," "You Are Not Alone" and dozens of other Works—before and well after this lawsuit was filed. **Ex. 2** at 31-32 (citing Anthropic_0000050271) (providing lyrics to "Copacabana" in response to prompt "Lyrics for: copacabano [sic]"), 62-63 (citing Anthropic_0000033474) (providing lyrics to "Gimme Shelter" in response to prompt "what are the lyrics to gimme shelter"), 86-87 (citing Anthropic_0000093838)	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Copacabana, Gimme Shelter, How Great Is Our God, Take Me Out, Unstoppable, Yellow, You Are Not Alone. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 73-74 (Unstoppable), 119-120 (Gimme Shelter), 305-306 (Copacabana), 483-484 (How Great Is Our God), 861-862 (Take Me Out), 997-998

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	(providing lyrics to "How Great Is Our God" in response to prompt "How great is our God lyrics"), 263-264 (citing Anthropic_0000063276) (providing lyrics to "Take Me Out" in response to prompt "give me the lyrics to take me out"), 288-289 (citing Anthropic_0000098311) (providing lyrics to "Unstoppable" in response to prompt "Give the lyrics of 'you're unstoppable by [redacted name]… Do you have other unstoppable lyrics by [redacted name]"), 317-318 (citing Anthropic_0000022134) (providing lyrics to "Yellow" in response to prompt "what are the lyrics to the coldplay song yellow"), 324-325 (citing Anthropic_0000036874) (providing lyrics to "You Are Not Alone" in response to prompt "lyrics of your are not alone by mj"); Ex. D to Seymour Decl. at 14-15, 55-56, 240-41, ECF No. 49-6; at 16-17, 58-59, 396-97, 418-19, ECF No. 49-7 (Publishers' lyrics to "Copacabana", "Gimme Shelter", "How Great is Our God", "Take Me Out", "Unstoppable", "Yellow", and "You Are Not Alone").	(Yellow), 1003-1004 (You Are Not Alone).
	Fact # 44. Anthropic searched for and produced Claude third-party user records only within the six-month period from September 22, 2023 to March 22, 2024. **Ex. 26** (Excerpt of E-mail from Allison Que, Counsel to Anthropic, to T. Chung (Sept. 3, 2025)), 2.	Disputed Publishers' evidence cited shows that Anthropic began preserving prompt and output records beginning September 22, 2023, prior to the date the Complaint was filed, and preserved and produced such records through March 22, 2024, the parties' agreed upon, and Court ordered, ESI cut-off date. Dkt. 298 (Protocol for Producing Documents & Electronically Stored Information) ¶ 19.

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	Fact # 45. Anthropic did not preserve Claude third-party user records prior to September 22, 2023. **Ex. 26** (Excerpt of E-mail from Allison Que, Counsel to Anthropic, to T. Chung (Sept. 3, 2025)), 2 ("As Anthropic has informed Plaintiffs throughout discovery, Anthropic's prompts and outputs were preserved beginning September 22, 2023, i.e. 26 days before the Complaint was filed, due to Anthropic's standard retention policy.")	Disputed Statements by counsel in an email are not evidence. Anthropic had no obligation to preserve records prior to September 22, 2023. Litigation was filed on Oct. 18, 2023. Publishers did not contact Anthropic or notify Anthropic of any concerns about their lyrics before filing suit. Dkt. 1; Ex. 110 (Coleman Dep.) at 184:1-5; Ex. 104 (Berschback Dep.) at 252:5-254:23; Ex. 117 (Draughon Dep.) at 154:4-19; Ex. 121 (Kokakis Dep.) at 293:1-9; Ex. 111 (Daniela Amodei Dep.) at 356:25-357:8.
	Fact # 46. Anthropic has offered Claude to increasingly large numbers of users. Answer to FAC ¶ 148; **Ex. 27** (Anthropic_0000570510); **Ex. 28** (Anthropic_0000570511); **Ex. 29** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 4, Nov. 5, 2025), at 7-9 (describing Anthropic_0000570510 and Anthropic_0000570511).	Undisputed
	Fact # 47. Anthropic has not searched or produced Claude third-party user records after March 22, 2024. **Ex. 26** (Excerpt of E-mail from Allison Que, Counsel to Anthropic, to T. Chung (Sept. 3, 2025)), 2.	Disputed Publishers' evidence cited shows that Anthropic began preserving prompt and output records beginning September 22, 2023, prior to the date the Complaint was filed, and preserved and produced such records through March 22, 2024, the parties' agreed upon, and Court ordered, ESI cut-off date. Dkt. 298 ¶ 19.
	Fact # 48. Anthropic's "Clio" data reflect many similar instances in which Claude users have prompted	Disputed Clio data shows lyric- or song-related requests are "relatively

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	the model for song lyrics, including as recently as July 2025. **Ex. 30** (Ganguli 30(b)(6) Dep. Ex. 6, Anthropic_0000429489), Row 2259 (requests to "[f]ind or analyze specific song lyrics and information"); *see also* **Ex. 31** (Anthropic_0000429482), Row 3734; **Ex. 32** (Anthropic_0000429485), Row 2276; **Ex. 33** (Anthropic_0000429486), Row 2861; **Ex. 34** (Anthropic_0000429488), row 3790; **Ex. 35** (Anthropic_0000429490), row 3383 (similar lyric retrieval requests).	small" and comprised 0.226% of conversations during this time, including requests for "new" lyrics, "translation of lyrics," and "other song/lyric requests." Ex. 13 (Dennis Rebuttal) ¶¶ 115-122.
	Fact # 49. Publishers' expert Joshua Dennis identified at least 136 examples in the 5-million-record Claude sample produced by Anthropic in which Claude users requested lyrics based upon provided song titles or lyric excerpts. Dennis Decl. ¶ 38.	Disputed Dennis admitted that he did not verify whether those records contained Publishers' and agents' own prompts and outputs. Ex. 115 (Dennis Dep.) 242:6-10, 241:6-243:22.
	Fact # 50. Based on these figures, Mr. Dennis concluded that users prompted Claude for lyrics in this manner in at least [redacted] instances from September 22, 2023 to March 22, 2024. Dennis Decl. ¶ 39.	Disputed Dennis admitted that neither the "Work-in-Suit Records" nor the "Sample Song Records" he analyzed can be extrapolated to the full set of Claude records, because neither subsample was statistically representative. Ex. 115 (Dennis Dep.) 79:19-25; Ex. 20 (Bray Reply) ¶¶ 47-54.
	Fact # 51. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to provide full song lyrics	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of

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	or identify song titles based on lyric fragments. **Ex. 2** at 53-54 (citing ANTH_SAMPLE000292632; ANTH_SAMPLE000293493) (Nov. 26, 2023 output providing lyrics to "Fireflies" in response to prompt "Who sings I fly like papers get high like trains song"), 129-130 (citing Anthropic_0000027609) (Oct. 9, 2023 output providing lyrics to "Just Like Heaven" in response to prompt that included one line of lyrics and noted "the sentence was part of a song"), 256-257 (citing Anthropic_0000245657) (Oct. 4, 2023 output providing lyrics to "Sweet Home Alabama" in response to prompt "what popular song includes lyrics about California, Alabama, New Orleans & Mississippi in the same song").	the deposit made with the United State Copyright Office in connection with any application for registration for Fireflies and Just Like Heaven. Lyrics to the deposit copies of Sweet Home Alabama do not match the LyricFind.com lyrics. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def's 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 385-386 (Fireflies), 571-572 (Just Like Heaven); *compare* Ex. 39 (Plaintiffs_0000009754) (copyright registration number EU511375), with Ex. 140 ("Sweet Home Alabama," LyricFind, https://lyrics.lyricfind.com/lyrics/lynyrd-skynyrd-sweet-home-alabama); *see also* Ex. 121 (Kokakis Dep.) 116:24-117:18; 128:15-131:18, 129:3-130:1, 119:13-124:10, 134:9-135:6, 151:4-153:2; Ex. 123 (Leonard Dep.) at 180:17-181:10; Ex. 110 (Coleman Dep.) at 82:11-21.
	Fact # 52. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to translate existing song lyrics. **Ex. 2** at 159-161 (citing Anthropic_0000060439) (responding to Nov. 3, 2023 prompt with "Here is the lyrics of 'Numb' by [redacted name] with translation after each line" and providing original and translated lyrics to "Numb"), 321-323 (citing Anthropic_0000062305) (Nov. 5, 2023 output providing original lyrics and translated lyrics to "Yesterday Once More" in response to prompt "lyric: yesterday once more, list line by line and translate to	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Numb and Yesterday Once More. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 697-698 (Numb), 999-1000 (Yesterday Once More).

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	Chinese"); *see also* **Ex. 8,** Ganguli 30(b)(6) Dep. Tr. 100:7-11; **Ex. 9,** Ganguli 30(b)(1) Dep. Tr. 143:2-8, 282:6-20.	
	Fact # 53. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to provide chords or tablature for songs. **Ex. 1** at 1073 (citing ECF No. 49-5 at 17) (Oct. 12, 2023 Publisher prompt for chords to "Daddy Sang Bass," Claude output lyrics alongside chords); **Ex. 2** at 4-5 (citing Anthropic_0000342657) (Mar. 15, 2024 output providing lyrics to "American Girl" in response to March 15, 2024 prompt "show [redacted name] american girl in tabliture [sic]"), 37-38 (citing ANTH_SAMPLE000291792; ANTH_SAMPLE000293475) (providing lyrics to "Daddy Sang Bass" in response to Nov. 3, 2023 request for chords).	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for American Girl. Lyrics to the deposit copies of Daddy Sang Bass do not match the LyricFind.com lyrics. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 183-184; Ex. 5 (Leonard Report App'x H) at 9-10.
	Fact # 54. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to identify song lyrics on specific topics. **Ex. 2** at 303-305 (citing Anthropic_0000181046) (Jan. 14, 2024 in response to prompt for a list of social media posts with lyrics on various topics, Claude generated output copying the lyrics to "Wannabe" and other songs).	Disputed Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Wannabe. Claude reproduced only twelve words from the over 500-word song. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 99-100; Chung Decl. Ex. 2 at 302-04.
	Fact # 55. Anthropic's Claude has generated output containing lyrics to	Disputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Publishers' Works in response to requests to modify existing song lyrics. **Ex. 1** at 1112 (citing ECF No. 48-1, 9) ("Sympathy for the Devil)), 1115 (citing ECF No. 48-1, 4) ("I Will Survive"), 1121 (citing ECF No. 48-1, 7) ("Roar"), 1129 (citing ECF No. 48-1, 2) ("Meant to Live"); **Ex. 2** at 140-143 (citing Anthropic_0000005629) (Sept. 27, 2023 output providing lyrics to "Message in a Bottle" in response to a prompt to modify those lyrics to "make these lyrics Christmas based" and "change night to cold night"), 236-237 (citing Anthropic_0000030306) (Oct. 11, 2023 output providing lyrics to "Santeria" in response to prompt asking to change lyrics to make them about "mushroom chocolate"), 279-281 (citing Anthropic_0000245869) (Oct. 4, 2023 output providing lyrics to "Tik Tok" in response to prompt asking to make lyrics to "Tik Tok" more kid-friendly).	Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Sympathy for the Devil, I Will Survive, Meant to Live, Message in a Bottle, Santeria, and Tik Tok. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 67-68 (Tik Tok), 141-142 (Sympathy for the Devil), 527-528 (I Will Survive), 639-640 (Meant to Live), 643-644 (Message in a Bottle), 785-786 (Santeria); Leonard Decl. Ex. H; *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") containing different lyrics than Chung Decl.[2] Ex. 1 at 1121 ("Roar").
	Fact # 56. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to combine existing song lyrics and other text. **Ex. 1** at 1119 (citing ECF No. 48-1, 3) ("A Change is Gonna Come"& "WAP"), 1124 (citing Plaintiffs_0000000005) ("Candle in the Wind" & "Goodbye Yellow Brick Road"); **Ex. 2** at 131-132 (citing	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for WAP (not a Work in Suit), Candle in the Wind, Goodbye Yellow Brick Road, or Lean on Me.

[2] Decl. of Timothy Chung in Supp. of Pls.' Mot. for Summ. J. (Mar. 23, 2026), Dkt. 611 ("Chung Decl.").

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Anthropic_0000032302) (Oct. 14, 2023 output of derivative work combining the lyrics to "Lean on Me" and another song when prompted to create a "medley" for a trio); *see also* Answer to FAC ¶¶ 92-93.	The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 279-280 (Candle in the Wind), 437-438 (Goodbye Yellow Brick Road), or 589-590 (Lean on Me); Leonard Decl. Ex. H; *Compare* Ex. 34 (Plaintiffs_0000009741) (Deposit Copy for "A Change is Gonna Come") *with* Chung Decl. Ex. 1 at 1119 ("A Change is Gonna Come").
	Fact # 57. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to generate search engine optimization ("SEO") articles on given topics. **Ex. 2** at 153-154 (citing Anthropic_0000054784) (Oct. 29, 2023 output providing lyrics to "My Back Pages" in response to request for SEO article), 244-246 (citing Anthropic_0000095833) (Dec. 1, 2023 output providing lyrics to "Simple Man" in response to request for SEO article regarding a given baseball player's "walk up song"), 314-316 (citing Anthropic_0000036992) (Oct. 21, 2023 output providing lyrics to "Will It Go Round In Circles" in response to request for a 5,000-word SEO article about "who wrote Will it go round in circles?").	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for My Back Pages, Simple Man, or Will it Go Round In Circles. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos.665-666 (My Back Pages), 807-808 (Simple Man), 985-986 (Will It Go Round In Circles).
	Fact # 58. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to	Disputed. Publishers cannot demonstrate the scope of rights they control for the

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	requests to produce AI-generated responses to school exams and homework assignments. **Ex. 2** at 14-17 (citing Anthropic_0000260153) (Oct. 27, 2023 output providing lyrics to "American Pie" in response to prompt containing school assignment), 20-21 (citing Anthropic_0000260271) (Oct. 28, 2023 output providing lyrics to "Bleeding Love" in response to a prompt asking for lyrics illustrating three areas of the brain), 24-25 (citing Anthropic_0000073951) (Nov. 13, 2023 output providing lyrics to "Blowin' in the Wind" in response to prompt asking for assistance on multiple choice exam), 45-46 (citing Anthropic_0000337635) (Mar. 7, 2024 output providing lyrics to "Dog Days Are Over" in response to prompt asking Claude to apply the song to the book *The Catcher in the Rye*), 133-135 (citing Anthropic_0000073951) (Nov. 13, 2023 output providing lyrics to "Like a Rolling Stone" in response to prompt asking for assistance on multiple choice exam), 238-239 (citing Anthropic_0000035624) (Oct. 19, 2023 output providing lyrics to "Say Something" in response to prompt submitting school assignment).	works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Bleeding Love, Blowin' in the Wind, Dog Days Are Over, Like a Rolling Stone, or Say Something. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 81-82 (Bleeding Love), 239-240 (Blowin' in the Wind), 339-340 (Dog Days Are Over), 607-608 (Like a Rolling Stone), 787-788 (Say Something); Leonard Decl. Ex. H; *Compare* Ex. 33 (Plaintiffs_0000009737) (Deposit Copy for "American Pie") *with* Chung Decl. Ex. 2 at 14-17, citing Ex. 57 (Anthropic_0000260153).
	Fact # 59. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to write new song lyrics on given topics. **Ex. 1** at 1083 (citing ECF No. 49-5, 15) ("Copacabana" output when prompted "Write me a song about COPACABANA"), 1091 (citing	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Copacabana, I Believe I Can Fly,

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	ECF No. 49-5, 3) (Oct. 10, 2023 "I Believe I Can Fly" output when prompted "write a song about believing you can fly"), 1093 (citing ECF No. 49-5, 2 (Oct. 10, 2023 "Life is A Highway" output when prompted "give me a song about life and driving"), 1066 (citing ECF No. 49-5, 5) (Oct. 10, 2023, "American Pie"), 1071 (citing ECF No. 49-5, 4) (Oct. 10, 2023, "Fresh Prince of Bel-Air"), 1079 (citing ECF No. 49-5, 18) ("Born to be Wild"), 1081 (citing ECF No. 49-5, 14) ("These Boots Are Made for Walkin'"), 1086 (citing ECF No. 49-5, 19) ("Sympathy for the Devil"), 1089 (citing ECF No. 49-5,16 ("Wouldn't it be Nice").	Life is a Highway, Fresh Prince of Bel-Air, These Boots Are Made for Walkin', Sympathy for the Devil or Wouldn't it be Nice. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 305-306 (Copacabana), 497-498 (I Believe I Can Fly), 603-604 (Life is a Highway), 405-406 (Fresh Prince of Bel-Air), 919-920 (These Boots Are Made For Walkin'), 141-142 (Sympathy for the Devil), 993-994 (Wouldn't it be Nice); Leonard Decl. Ex. H; *Compare* Ex. 33 (Plaintiffs_0000009737) (Deposit Copy for "American Pie") *with* Chung Decl. Ex. 1 at 1066 ("American Pie"); *Compare* Ex. 37 (Plaintiffs_0000009746) (Deposit Copy for "Born to be Wild") *with* Chung Decl. Ex. 1 at 1079 ("Born to be Wild").
	Fact # 60. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to write new song lyrics in the style of specific songs or songwriters. **Ex. 2** at 22-23 (citing Anthropic_0000248217) (Oct. 11, 2023 output providing lyrics to "Blowin' in the Wind" in response to prompts asking for help writing a "catchy pop tune" with "more bob dylan"), 162-163 (citing Anthropic_0000040992) (Oct. 23,	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Blowin' in the Wind or Radioactive. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	2023 output providing lyrics to "Radioactive" in response to prompt to "[c]reate the lyrics for a new song to last between 3-4 minutes in the style of imagine dragons"), 201-202 (citing Anthropic_0000038200) (Oct. 22, 2023 output providing lyrics to "Roar" in response to request Claude interpreted as seeking "a draft of song lyrics inspired by 'Roar' by Katy Perry").	match the Claude outputs on which Publishers are relying. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 239-240 (Blowin' in the Wind), 745-746 (Radioactive); Leonard Decl. Ex. H; *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") *with* Chung Decl. Ex. 2 at 201-202, citing Ex. 50 (Anthropic_0000038200).
	Fact # 61. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to requests to write poems, pieces of fiction, or other works based on or in the style of specific songs or songwriters. **Ex. 1** at 1105 (citing ECF No. 49-5, 13) (Oct. 12, 2023 Claude output containing "No Air" lyrics when prompted "write a poem in the style of jordin sparks featuring chris brown"), 1108 (citing ECF No. 49-5, 7) (Oct. 12, 2023 Claude output containing "Crawling" lyrics when prompted "write a short piece of fiction in the style of linkin park"), 1075 (citing ECF No. 48-1, 5) ("Sweet Home Alabama"), 1077 (citing ECF No. 48-1, 6) ("What A Wonderful World"), 1098 (citing ECF No. 49-5, 8) ("Tik Tok"), 1101 (citing ECF No. 49-5, 10) ("Your Song"), 1103 (citing ECF No. 49-5, 11) ("California Dreamin'"), 1110 (citing ECF No. 49-5, 9) ("Lean on Me", "Ain't No Sunshine", "Grandma's Hands", "Simple Man"), 1127 (citing ECF No. 49-5, 12) ("Roxanne", "Don't Stand So Close to Me", "Every Breath You	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for No Air, Crawling, Tik Tok, Your Song, California Dreamin', Lean on Me, Ain't No Sunshine, Grandma's Hands, Simple Man, Roxanne, Don't Stand So Close to Me, Every Breath You Take, or Message in a Bottle. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 681-682 (No Air), 313-314 (Crawling), 67-68 (Tik Tok), 1021-1022 (Your Song), 273-274 (California Dreamin'), 589-590 (Lean On Me), 169-179 (Ain't No Sunshine), 443-444 (Grandma's

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Take", "Message in a Bottle"), 1138 (citing Plaintiffs_0000009412, Plaintiffs_0000009417) ("Roar"), 1141 (citing Plaintiffs_0000009437, Plaintiffs_0000009438) ("Uptown Funk"); **Ex. 2** at 72-75 (citing Anthropic_0000040609) (Oct. 23, 2023 output providing lyrics to "God Only Knows" in response to prompt seeking "2000-word cormoran strike / robin ellacott songfic to 'god only knows' originally by the beach boys"); s*ee also* Answer to FAC ¶¶ 101-102.	Hands), 807-808 (Simple Man), 769-770 (Roxanne), 345-346 (Don't Stand So Close to Me), 363-365 (Every Breath You Take), 643-644 (Message in a Bottle); Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; *Compare* Ex. 42 (Plaintiffs_0000009758) (Deposit Copy for "Sweet Home #17") *with* Chung Decl. Ex. 1 at 1075 ("Sweet Home Alabama"); *Compare* Ex. 36 (Plaintiffs_0000009743) (Deposit Copy for "What a Wonderful World") *with* Chung Decl. Ex. 1 at 1077 ("What a Wonderful World"); *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") *with* Chung Decl. Ex. 1 at 1138 ("Roar"); *Compare* Ex. 41 (Plaintiffs_0000009757) (Deposit Copy for "Uptown Funk") *with* Chung Decl. Ex. 1 at 1141 ("Uptown Funk"); *Compare* Ex. 35 (Plaintiffs_0000009742) (Deposit Copy for "God Only Knows") *with* Chung Decl. Ex. 2 at 72-75, citing Ex. 51 (Anthropic_0000040609).
	Fact # 62. Anthropic's Claude has generated output containing lyrics to Publishers' Works in response to various other requests. **Ex. 1** at 1096 (citing ECF No. 49-5 at 6) (Oct. 10, 2023 Publisher prompt "write me a song that starts don't know much about history," Claude output lyrics to "Wonderful World")); 1131 (citing ECF No. 49-5, 20) (Oct. 3, 2023 Claude output containing lyrics to "American Pie" when prompted "what are the lyrics to looking for love by johnny lee"), 1136 (citing ECF No. 49-5, 21) (Oct. 3, 2023 Claude output containing lyrics to "Run" when prompted "what are the lyrics to all I wanted	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Wonderful World, Run, Crocodile Rock, Milkshake, or No Diggity. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	by paramore"); 1138 (citing Plaintiffs_0000009412; Plaintiffs_0000009417) (Nov. 14, 2024 output containing lyrics to "Roar" when prompted "create a greeting card inspired by katy perry"); 1141 (citing Plaintiffs_0000009437; Plaintiffs_0000009438) (Nov. 15, 2024 output containing lyrics to "Uptown Funk" when prompted "create a greeting card that is uptown funky); **Ex. 2** at 33-34 (citing Anthropic_0000005798) (output containing lyrics to "Crocodile Rock" in response to prompt "can you give me a funny name for a pet shop owned by a man called [redacted name]"), 144-145 (citing Anthropic_0000031208) (providing accurate lyrics to "Milkshake" in response to prompt "Take the words to Kelis 'Milkshake' song and jumble up the first letters of each word"), 155-158 (citing Anthropic_0000080786) (output containing lyrics to "No Diggity" in response to conversation about the origin of the word "eargasm"); *see also* Answer to FAC ¶¶ 125-126 ("Anthropic admits that Claude was prompted and produced output as quoted in this paragraph," reflecting prompts for lyrics within greeting cards).	Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos.147-148 (Wonderful World), 771-772 (Run), 315-316 (Crocodile Rock), 649-650 (Milkshake), 683-684 (No Diggity); Leonard Decl. Ex. H;*Compare* Ex. 33 (Plaintiffs_0000009737) (Deposit Copy for "American Pie") *with* Chung Decl. Ex. 1 at 1131 ("American Pie"); *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") *with* Chung Decl. Ex. 1 at 1138 ("Roar"); *Compare* Ex. 41 (Plaintiffs_0000009757) (Deposit Copy for "Uptown Funk") *with* Chung Decl. Ex. 1 at 1141 ("Uptown Funk").
	Fact # 63. In many of these (and other) instances, Claude output Publishers' lyrics even when users did not actually ask for those lyrics or when users requested "new" content. *See, e.g.*, **Ex. 2** at 33-34 (citing Anthropic_0000005798) (Sept. 30, 2023 output providing lyrics to "Crocodile Rock" in response to	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Crocodile Rock, Dog Days Are Over, Fireflies, Shape of My Heart,

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	prompt for "a funny name for a pet shop owned by a man called [redacted name]"), 45-46 (citing Anthropic_0000337635) (Mar. 7, 2024 output providing lyrics to "Dog Days Are Over" in response to prompt asking what song was about), 53-54 (citing ANTH_SAMPLE000292632; ANTH_SAMPLE000293493) (Nov. 26, 2023 output providing lyrics to "Fireflies" in response to request to identify name of song containing entirely different lyrics), 242-243 (citing Anthropic_0000033003) (Oct. 16, 2023 output containing lyrics to "Shape of My Heart" in response to prompt asking for captions to unrelated YouTube video), 284-285 (citing Anthropic_0000267324) (Nov. 20, 2023 output containing lyrics to "Tiny Dancer" in response to prompt asking about who wrote the song), 286-287 (citing Anthropic_0000352830) (Sept. 22, 2023 output containing lyrics to "Torn" in response to prompt asking if Claude was familiar with the song).	Tiny Dancer, or Torn. The evidence does not support that users did not "actually ask for those lyrics." Ex. 29 (Pls.' Supp. Resp. & Obj. to Def's 3d Set of RFAs (Oct. 9, 2025)) at Nos. 315-316 (Crocodile Rock), 339-340 (Dog Days Are Over), 385-386 (Fireflies), 795-796 (Shape of My Heart), 929-930 (Tiny Dancer), 937-938 (Torn).
	Fact # 64. Publishers' expert Joshua Dennis identified hundreds of prompts in the Claude sample similar to those identified in Facts 51-63 above, as well as other like prompts, which, when extrapolated across the full set of Claude records from September 22, 2023 to March 22, 2024, reflect many thousands of such prompts during that six-month period. Dennis Decl. ¶ 36.	Disputed. Dennis admitted that neither the "Work-in-Suit Records" nor the "Sample Song Records" he analyzed can be extrapolated to the full set of Claude records, because neither subsample was statistically representative. Dennis did not analyze "the Claude sample" or identify prompts therein. Instead, he analyzed a cherry-picked subset of records from the Claude sample which were provided to him by Publishers' counsel "that were song-and-lyric-related," but for which he

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		neither verified the selection criteria, nor whether those records contained Publishers' and agents' own prompts and outputs. Ex. 115 (Dennis Dep.) at 72:24-73:8, 73:16-74:6, 79:19-80:18, 242:6-10, 241:6-243:22; Ex. 21 (Dennis Reply) ¶ 120; Ex. 3 (Bray Report) ¶¶18-20, 23-25, 28-34.
	Fact # 65. The Claude prompt-output records Anthropic has produced in this case (limited to the period from September 22, 2023 to March 22, 2024) include at least 17 pre-suit and 23 post-suit instances in which Claude output Publishers' lyrics in full or substantial part in response to indirect third-party requests for those lyrics, spanning at least 37 Publisher Works. **Ex. 2** at 4-5 ("American Girl"), 14-17 ("American Pie"), 20-21 ("Bleeding Love"), 22-23 ("Blowin' In The Wind"), 24-25 ("Blowin' In The Wind"), 33-34 ("Crocodile Rock"), 35-36 ("Cupid"), 39-42 ("Desolation Row"), 45-46 ("Dog Days Are Over"), 53-54 ("Fireflies"), 55-57 ("Free Bird"), 72-75 ("God Only Knows"), 129-130 ("Just Like Heaven"), 131-132 ("Lean on Me"), 133-135 ("Like a Rolling Stone"), 140-141 ("Message in a Bottle"), 142-143 ("Message in a Bottle"), 144-145 ("Milkshake"), 153-154 ("My Back Pages"), 155-158 ("No Diggity"),159-161 ("Numb"), 162-163 ("Radioactive"), 226-227 ("Roar"), 201-202 ("Roar"), 236-237 ("Santeria"), 242-243 ("Shape of My Heart"), 244-246 ("Simple Man"), 247-248 ("Sittin' On The Dock Of The Bay"), 251-	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for American Girl, Bleeding Love, Blowin' in the Wind, Crocodile Rock, Cupid, Desolation Row, Dog Days Are Over, Fireflies, Free Bird, Just Like Heaven, Lean on Me, Like a Rolling Stone, Message in a Bottle, Milkshake, My Back Pages, No Diggity, Numb, Radioactive, Santeria, Shape of My Heart, Simple Man, Sittin' On The Dock Of The Bay, Songbird, The Times They Are A-Changin', Thunder, Tik Tok, Tiny Dancer, Torn, Vincent (Starry, Starry, Night), Wannabe, Will It Go Round In Circles, or Yesterday Once More. The LyricFind.com lyrics displayed contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Publishers have not shown that any prompts were made by bona fide third parties.

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	252 ("Songbird"), 256-257 ("Sweet Home Alabama"), 268-270 ("The Scientist"), 275-276 ("The Times They Are A-Changin'"), 277-278 ("Thunder"), 279-281 ("Tik Tok"), 284-285 ("Tiny Dancer"), 286-287 ("Torn"), 299-300 ("Vincent (Starry, Starry Night)"), 303-305 ("Wannabe"), 314-316 ("Will It Go Round In Circles"), 321-323 ("Yesterday Once More") (citing various Claude prompt-output records).	Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 183-184 (American Girl), 81-82 (Bleeding Love), 239-240 (Blowin' in the Wind), 315-316 (Crocodile Rock), 115-116 (Cupid), 331-332 (Desolation Row), 339-340 (Dog Days Are Over), 385-386 (Fireflies), 403-404 (Free Bird), 571-572 (Just Like Heaven), 589-590 (Lean on Me), 607-608 (Like a Rolling Stone), 643-644 (Message in a Bottle), 649-650 (Milkshake), 665-666 (My Back Pages), 683-684 (No Diggity), 697-698 (Numb), 745-746 (Radioactive), 785-786 (Santeria), 795-796 (Shape of My Heart), 807-808 (Simple Man), 155-156 (Sittin' On The Dock Of The Bay), 827-828 (Songbird), 909-910 (The Times They Are A-Changin'), 927-928 (Thunder), 67-68 (Tik Tok), 929-930 (Tiny Dancer), 937-938 (Torn) 947-948 (Vincent (Starry, Starry Night)), 99-100 (Wannabe), 985-986 (Will It Go Round In Circles), 999-1000 (Yesterday Once More); Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; *Compare* Ex. 33 (Plaintiffs_0000009737) (Deposit Copy for "American Pie") *with* Chung Decl. Ex. 2 at 14-17; *Compare* Ex. 35 (Plaintiffs_0000009742) at (Deposit Copy for "God Only Knows") *with* Chung Decl. Ex. 2 at 72-75; *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") *with* Chung Decl. Ex. 2 at 201-202; *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") *with* Chung Decl. Ex. 2 at 226-227; *Compare* Ex. 42

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		(Plaintiffs_0000009758) (Deposit Copy for "Sweet Home Alabama") *with* Chung Decl. Ex. 2 at 256-257; Dkt. 670.
	Fact # 66. Publishers' linguistics expert, Prof. Robert Leonard, analyzed Claude output collected by Publishers' investigator prior to Publishers' filing suit, in which Claude generated output in response to the prompt "What are the lyrics to [song] by [performing artist]?" for each of the 499 Works in Suit, and Prof. Leonard found substantially verbatim overlap between Publishers' lyrics and the Claude output demonstrating copying of Publishers' lyrics in the Claude output. Leonard Decl. ¶¶ 20–21.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Without the deposit copies for each Work in Suit, it is impossible to verify whether "Claude output[s] demonstrat[ed] copying of Publishers' lyrics[.]" The "standard practice requires the use of deposit copies" to assess similarity. Anthropic employs a multi-tiered defense system designed to prevent the inclusion of copyrighted material in Claude's outputs. After Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Dr. Bilmes's analysis shows the effectiveness of Anthropic's guardrails and defenses in preventing outputs containing the claimed lyrics to works in suit, as well as other purportedly copyrighted lyrics, even when directly prompted.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) at §§ V.C, IX.C; Ex. 11 (Bilmes Rebuttal) at § VI.B; Ex. 14 (Lustig Rebuttal) at n.7; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour Decl. & Exhibit D (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com)..
	Fact # 67. Prof. Leonard analyzed 28 additional instances of Claude output collected by Publishers, in which Claude generated output in response to a range of other prompts, and Prof. Leonard likewise found substantially verbatim overlap between Publishers' lyrics and the Claude output demonstrating copying of Publishers' lyrics in the Claude output. Leonard Decl. ¶ 23.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Without the deposit copies for each Work in Suit, it is impossible to verify whether "Claude output[s] demonstrat[ed] copying of Publishers' lyrics[.]" The "standard

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		practice requires the use of deposit copies" to assess similarity. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 14 (Lustig Rebuttal) at n.7; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour Decl. & Exhibit D (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com).

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 68. Prof. Leonard analyzed 109 instances of Claude output from Anthropic's records, in which Claude generated output in response to a range of user prompts, and Dr. Leonard found substantially verbatim overlap between Publishers' lyrics and the Claude output demonstrating copying of Publishers' lyrics in the Claude output. Leonard Decl. ¶ 26.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. The LyricFind.com lyrics Dr. Leonard analyzed contain discrepancies with the produced deposit copies. Without the deposit copies for each Work in Suit, it is impossible to verify whether "Claude output[s] demonstrat[ed] copying of Publishers' lyrics[.]"The "standard practice requires the use of deposit copies" to assess similarity. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 14 (Lustig Rebuttal) at n.7.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	Anthropic's Additional Fact # 1: No single piece of training data is strictly necessary to train an LLM. Dr. Zhao, one of Publishers' technical experts, opined that Anthropic could "train[] and launch[] a new version of [Claude]" without lyrics to the works in suit. Ex. 10 (Zhao Report) ¶¶ 149-151; Ex. 6 (Nagaraj Report) ¶¶ 34, 38; Ex. 120 (Kaplan Dep.) at 152:15-19.	Undisputed.
	Anthropic's Additional Fact # 2: LLM developers require large amounts of diverse text to train LLMs. Dr. Shan, one of Publishers' technical experts explained in his report that, "[a] large and diverse training corpus exposes the LLM to a variety of language patterns, allowing the LLM to learn from and model diverse sentence structures, topics, grammar, and other nuances. Training on diverse datasets provides models with more complete and comprehensive probabilities for different token patterns representing data and information in different contexts, which generally lead to more flexible, useful, and coherent outputs. Larger training corpora also help LLMs generalize across data in different training datasets. Consequently, LLM developers like Anthropic seek to train LLMs like Claude on a vast training corpus of	Undisputed that Dr. Shan's report contains the quoted language. Otherwise, disputed. LLM developers do not ***require*** large amounts of diverse text to train an LLM; recent research and evidence indicates that LLMs can be successfully trained using smaller, optimized datasets. **Kaplan Decl. ¶¶** 25–26 (recognizing that LLMs can be trained on smaller corpora of data and remain effective for at least certain tasks); **Pls.' Ex. 6**[3] (Kaplan Dep. Tr.) at 138:10-14 (testifying "that's not true" in response to the question: "Anthropic wants large volumes of training data; is that true?"); **Pls.' Opp'n/Reply Ex. 129** (Brown Dep. Tr.) at 92:2-7 (testifying "the quality of the data is much more important than the overall quantity of the

[3] "Pls.' Ex. __" refers to the exhibits appended to the Declaration of Timothy Chung in Support of Plaintiffs' Motion for Partial Summary Judgment (ECF No. 595) ("Chung Decl."); "Burrell Decl., Ex.__" refers to the exhibits appended to the Declaration of Robin C. Burrell in Support of Defendant's Motion for Summary Judgment and Opposition to Publishers' Motion for Partial Summary Judgment (ECF No. 686-3); Pls.' Opp'n/Reply Ex. __" refers to the exhibits appended to the August 17, 2026 Declaration of Timothy Chung in Support of Plaintiffs' Opposition to Defendant Anthropic's Motion for Summary Judgment and Reply in Further Support of Plaintiffs' Motion for Partial Summary Judgment, filed concurrently herewith.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	human-written texts, often comprised of terabytes or petabytes of data and hundreds of billions or trillions of tokens." Ex. 10 (Zhao Report) ¶ 13; Ex. 7 (Shan Report) ¶ 21.	data"); **Burrell Decl., Ex. 18** (Zhao Rebuttal) at ¶ 23; **Pls.' Opp'n/Reply 145** (Shan Dep. Tr.) at 105:7-10; **Burrell Decl., Ex. 2** (Bilmes Report) at ¶ 322; *see also* **Burrell Decl., Ex. 10** (Zhao Report) at ¶ 42.
	Anthropic's Additional Fact # 3: Publishers failed to produce deposit copies for 486 of the 499 works in suit. *See* Dkt. 595 ("Chung Decl.") ¶¶ 3-4, 8; Ex. 29 Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)), at Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022.	Disputed. Publishers did not "fail[] to produce" deposit copies for 486 of the 499 works in suit. Publishers do not have in their custody, control, or possession those deposit copies, because the actual deposit copies were submitted to the U.S. Copyright Office, and Publishers do not maintain a business practice of retaining copies of all submitted deposit copies. **Chung Decl.** ¶ 3; **Berschback Decl.** ¶ 35; **Draughon Decl.** ¶ 26; **Kokakis Decl.** ¶ 141. Where possible, ABKCO seeks to retain a copy of any sheet music submitted as a deposit copy to the U.S. Copyright Office. Of the 25 ABKCO Works in Suit, ABKCO produced 19 copies of sheet music it identified as copies of the deposit copies submitted to the U.S. Copyright Office with those registrations. **Coleman Decl.** ¶ 10. Publishers have produced genuine and licensed copies of lyrics to each Work in Suit, which reflect the contents of their corresponding deposit copies. *Compare, e.g.* **Pls.' Opp'n/Reply Ex. 183** (Plaintiffs_0000009744) ("All Along the Watchtower" deposit

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
		copy) *with* **Pls.' Opp'n/Reply Ex. 184 (**Plaintiffs_0000003879) (lyrics for "All Along the Watchtower" from LyricFind); **Pls.' Opp'n/Reply Ex. 181 (**Plaintiffs_0000009756) ("Roar" deposit copy) *with* **Pls.' Opp'n/Reply Ex. 182** (Plaintiffs_0000003837) (lyrics for "Roar" from LyricFind); **Pls.' Opp'n/Reply Ex. 185** (Plaintiffs_0000009757) ("Uptown Funk" deposit copy) *with* **Pls.' Opp'n/Reply Ex. 186 (**Plaintiffs_0000003738) (lyrics for "Uptown Funk" from LyricFind).
	Anthropic's Additional Fact # 4: Publishers have only produced deposit copies for 13 of the works in suit. Exs. 33-42 (Plaintiffs_0000009737-63); *See* Dkt. 595 ¶¶ 3-4, 8; Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)), at Nos. 25-26 (7 Rings), 61-62 (Roar), 75-76 (Uptown Funk), 77-78 (What A Wonderful World), 105-106 (A Change Is Gonna Come), 113-114 (Brown Sugar), 149-150 (You Can't Always Get What You Want), 173-174 (All Along The Watchtower), 185-186 (American Pie), 247-248 (Born To Be Wild), 319-320 (Daddy Sang Bass), 429-430 (God Only Knows), 853-854 (Sweet Home Alabama).	Undisputed that Publishers have produced the 13 deposit copies for Works in Suit that Publishers were able to obtain from the U.S. Copyright Office and Library of Congress. **Chung Decl. ¶¶** 4–9.
	Anthropic's Additional Fact # 5: Publishers' 30(b)(6) witnesses admit that [redacted] Alisa Coleman, ABKCO's corporate designee, testified that [redacted] David Kokakis,	Undisputed that Ms. Coleman's testimony included the quoted language and Mr. Kokakis testified as asserted. Otherwise, disputed. The cited testimony of Mr. Draughon does not support the assertion [redacted]

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	Universal Music Publishing Group's corporate designee, testified that [redacted] Kent Draughon, CCMG's corporate designee, testified that [redacted] *See, e.g.*, Ex. 110 (Coleman Dep.) at 99:7-13; Ex. 121 (Kokakis Dep.) at 135:12-15; Ex. 117 (Draughon Dep.) at 106:4-9.	[redacted], only that [redacted] **Burrell Decl., Ex. 117** (Draughon Dep.) at 106:2-9. Further disputed because Publishers have attested that the LyricFind lyrics to the Works in Suit are materially accurate copies of the deposit copies of each Work in Suit deposited at the U.S. Copyright Office at the time of registration. **Berschback Decl. ¶¶** 37–39; **Coleman Decl. ¶¶** 12–13; **Draughon Decl. ¶¶** 28–29; **Kokakis Decl. ¶¶** 143–45.
	Anthropic's Additional Fact # 6: Ms. Coleman, ABKCO's corporate designee, testified that "[f]or any compositions for which ABKCO ha[s] not preserved the deposit [copy], ABKCO nevertheless can determine with reasonable assurance what the lyrics to the composition were" by listening to "commercially" or otherwise "readily available sound recordings." Coleman Decl. ¶¶ 11-12.	Undisputed.
	Anthropic's Additional Fact # 7: Mr. Draughon, Capitol CMG's corporate designee, testified that although "CCMG does not systematically retain copies of [its] deposits," "CCMG is nevertheless able to determine the lyrics to their compositions" based on "sheet music" or "the commercial sound recording[.]"	Undisputed.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	Draughon Decl. ¶¶ 26-27.	
	Anthropic's Additional Fact # 8: Mr. Kokakis, Universal Music Publishing Group's corporate designee, testified that the deposit copies of their asserted works in suit "would be same or nearly the same" as recorded versions that "can be accessed by anyone[.]" Kokakis Decl. ¶ 142.	Undisputed.
	Anthropic's Additional Fact # 9: Mr. Berschback, Concord Music Group's corporate designee, testified that "Concord does not need to retain copies of the deposit copy of its works" because "by retaining a copy of the commercial sound recording" Concord "has effectively maintained a copy of the deposit copy." Berschback Decl. ¶ 38.	Undisputed.
	Anthropic's Additional Fact # 10: Publishers' 30(b)(6) witnesses have testified that LyricFind's lyrics match the deposit copies of their asserted works in suit because they were generated from commercial sound recordings. For example, Mr. Berschback, has testified that because "LyricFind.com lyrics are based on the commercial sound recording, they will be identical or nearly identical to the deposit copy." But Publishers' 30(b)(6) witnesses have also admitted under oath that even the deposit copies Publishers have produced do not match the LyricFind lyrics nor commercial sound recordings nor the sheet music they have produced. For example, Mr. Kokakis testified that the lyrics	Undisputed that Publishers' 30(b)(6) witnesses have testified that LyricFind's lyrics materially reflect the deposit copies of the Works in Suit, that Mr. Berschback testified as quoted, and that Mr. Kokakis' testimony includes the quoted language. Otherwise, disputed. Publishers' 30(b)(6) witnesses did not testify that "the deposit copies Publishers have produced do not match the LyricFind lyrics nor commercial sound recordings nor the sheet music they have produced." Rather, in response to questioning by Anthropic's counsel, Publishers' 30(b)(6) witnesses acknowledged that [redacted]

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	to "Sweet Home Alabama" shown on LyricFind.com are "different" than those shown in the deposit copy for Sweet Home Alabama. He further testified that sheet music of "Sweet Home Alabama" that UMPG produced in this case was "different" from the deposit copy of the work. As another example, Ms. Coleman testified that the sheet music ABKCO produced for the work in suit "Bittersweet Symphony" was different than the text shown on genius.com. *See e.g.*, Berschback Decl. ¶ 37; Ex. 121 (Kokakis Dep.) at 119:12-123:25, 128:6-129:18; Kokakis Decl. ¶ 143; Draughon Decl. ¶ 28; Coleman Decl. ¶ 12; Ex. 110 (Coleman Dep.) at 94:1-25, 77:13-20.	[redacted] **Pls.' Opp'n/Reply Ex. 140** (Berschback Dep. Tr.) 90:20–95:4; **Pls.' Opp'n/Reply Ex. 141** (Coleman Dep. Tr.) 90:4–91:2, 93:7–94:25; **Pls.' Opp'n/Reply Ex. 142** (Draughon Dep. Tr.) at 107:5–111:18; **Burrell Decl., Ex. 121** (Kokakis Dep. Tr.) 128:6–130:1, 134:9–135:6.
	Anthropic's Additional Fact # 11: Publishers did not listen to sound recordings of the works in suit to confirm the accuracy of the lyrics. During his deposition, David Kokakis, Corporate Designee for UMPG, was asked, [redacted] Sweet Home Alabama] are accurate?" Mr. Kokakis testified, [redacted] During his deposition, Kent Draughon, Corporate Designee for CCMG, was asked, [redacted] Mr. Draughon testified, "[redacted]" During his deposition, Duff	Undisputed.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	Berschback, Corporate Designee of Concord Music Group, was asked, [redacted] Mr. Berschback testified, [redacted]." Ex. 117 (Draughon Dep.) at 124:16–21; Ex. 104 (Berschback Dep.) at 74:1–14; Ex. 121 (Kokakis Dep.) at 133:8–12, 135:12–21.	
	Anthropic's Additional Fact # 12: Publishers do not systematically maintain copies of their deposits to the U.S. Copyright Office. The declaration of Kent Draughon, Corporate Designee for Capitol Christian Music Group, states that "CCMG does not systematically retain copies of these deposits." The declaration of David Kokakis, Corporate Designee for Universal Music and affiliated entities, states that "[t]he UMPG Plaintiffs do not systematically retain copies of these deposits." The declaration of Duff Berschback, Corporate Designee of Concord Music Group and affiliated entities states that, "[n]either Concord nor the companies from which it acquired catalogs of musical compositions made a practice of retaining a copy of the deposits delivered to the U.S. Copyright Office because that was not necessary for its business." The	Undisputed.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	declaration for Alisa Coleman, Corporate Designee for ABKCO, states that, "[w]here possible, ABKCO seeks to preserve a copy of any sheet music used as the deposit copy." During her deposition, Ms. Coleman testified, "[redacted]" Draughon Decl. ¶ 26; Kokakis Decl. ¶ 141; Berschback Decl. ¶ 35; Coleman Decl. ¶ 10; Ex. 110 (Coleman Dep.) 98:12–18.	
	Anthropic's Additional Fact # 13: Discrepancies exist between the lyrics in audio recordings of the works in suit and the lyrics on LyricFind.com. During his deposition, Mr. Kokakis (UMPG 30(b)(6) representative), listened to an audio recording of "Roxanne" and testified that what he "heard [wa]s 'It's the bad way'or 'It's a bad way.'" He testified, "I've heard a variation where 'It's the wrong way.'" Mr. Kokakis was shown lyrics for "Roxanne" from LyricFind.com that said, "It's a bad way." When asked, "is the accurate lyric it's a bad way?" Mr. Kokakis testified, "It is -- it is accurate insofar as it is a version, as I said before, of the same lyrical content, and there have been a few variations that I'm aware of, just in my personal experience." When asked, "[w]as the lyric that was deposited with the Copyright Office it's a bad way?" Mr. Kokakis testified, "I'm not certain. I don't have a copy of the deposit copy."	Undisputed that Mr. Kokakis testified as quoted. Otherwise, disputed. Anthropic's cited evidence does not support that discrepancies exist between the lyrics in audio recordings of the Works in Suit and the lyrics on LyricFind.com for every Work in Suit, only that immaterial discrepancies may exist for some of the Works in Suit. *Compare, e.g.,* **Pls.' Opp'n/Reply Ex. 181** (Plaintiffs_0000009756) ("Roar" deposit copy); **Pls.' Opp'n/Reply Ex. 182** (Plaintiffs_0000003837) (lyrics for "Roar" from LyricFind).

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	Ex. 121 (Kokakis Dep.) at 148:6–150:11.	
	Anthropic's Additional Fact # 14: The LyricFind.com lyrics for Sweet Home Alabama include a stanza that does not appear in the deposit copy. During his deposition, Mr. Kokakis (UMPG 30(b)(6) representative), was asked where the line "now muscle shoals has got the swampers" appears in the deposit copy and he testified, "[i]t does not." He was asked, "[t]hat entire verse does not appear in the deposit copy,correct?" and Mr. Kokakis testified, "[t]hat is accurate, it is not contained in the lead sheet for the deposit copy." Dr. Leonard, Publishers' linguistics expert, was asked during his deposition, "We're looking at a deposit copy for Sweet Home Alabama that doesn't have the whole stanza that was in the LyricFind lyrics, right?" and he testified, "[y]eah." *Compare* Ex. 39 (Plaintiffs_0000009754) (copyright registration number EU511375), *with* Ex. 140 ("Sweet Home Alabama," LyricFind, https://lyrics.lyricfind.com/lyrics/lynyrd-skynyrd-sweet-home-alabama); *see also* Ex. 121 (Kokakis Dep.) at 116:24-117:18; 128:15-131:18; Ex. 123 (Leonard Dep.) at 180:17-181:10.	Undisputed that Mr. Kokakis and Dr. Leonard testified as quoted, and that the LyricFind.com lyrics for "Sweet Home Alabama" include a stanza that does not appear in one deposit copy for the Work shown to the witnesses by Anthropic's counsel during their depositions. Otherwise, disputed. A second deposit copy for "Sweet Home Alabama" obtained by Publishers from the Library of Congress and produced to Anthropic includes and reflects all lyric verses for "Sweet Home Alabama" also found on LyricFind.com. *Compare* **Pls.' Opp'n/Reply Ex. 187** (Plaintiffs_0000009758) (deposit copy for "Sweet Home Alabama" bearing copyright registration number EP333360) with **Burrell Decl., Ex. 140** ("Sweet Home Alabama," LyricFind, https://lyrics.lyricfind.com/lyrics/lynyrd-skynyrd-sweet-home-alabama).
	Anthropic's Additional Fact # 15: During his deposition, Mr. Kokakis (UMPG 30(b)(6) representative), was asked about discrepancies between deposit copies and LyricFind.com lyrics and between deposit copies and sheet music. When asked, "[w]hich one is correct,	Undisputed.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	the lyrics on LyricFind or the lyric in the deposit copy?" Mr. Kokakis testified, "Both." He testified that "there may be slight variations found in different places, but all protectable, all Sweet Home Alabama." When asked, "[w]hich one corresponds to UMPG's registered copyright?" Mr. Kokakis testified, "Similar answer, both. Both do." He testified that "there are slight variations amongst different -- different lead sheets, different versions of this, but as a publisher, I would state that they're all accurate to some degree and they're all materially the same and that Universal has claim to all of them." He also testified that, "[redacted]" Ex. 121 (Kokakis Dep.) at 119:13-124:10; *id.* at 129:3-130:1; *id.* at 134:9-135:6; *id.* at 151:4-153:2; Ex. 110 (Coleman Dep.) at 82:11-21.	
	Anthropic's Additional Fact # 16: The deposit copy for "Brown Sugar" includes the following lyrics: "scarred old slaver know he's doing alright," "all her girlfriends here sweet sixteen," and "Brown sugar, how come you taste so good." Ex. 38 (Plaintiffs_0000009752).	Undisputed.

Anthropic's Additional Material Facts On This Issue		Publishers' Response & Supporting Evidence
	Anthropic's Additional Fact # 17: On LyricFind.com, the lyrics to the song "Brown Sugar" include the following: "Skydog slaver knows he's doin' all right," "all her boyfriends were sweet sixteen," and "Brown sugar, how come you dance so good, babe?" Ex. 141 ("Brown Sugar," LyricFind, https://lyrics.lyricfind.com/lyrics/the-rolling-stones-brown-sugar).	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Issue 4. Anthropic engaged in volitional conduct.	Fact # 69. Anthropic controls the training of its Claude models. Zhao Decl. ¶ 10; *see also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 3), at 8-9.	Disputed Training Claude is a multi-phase process that includes, among other things, use of synthetic data and machine learning techniques, such that the model can learn on its own. Ex. 28 (Def.'s Am. Resp. to Pls.' Req. for Admis. (Nos. 1-119) (Sept. 18, 2025)) at No. 9; Ex. 2 (Bilmes Report) ¶ 71.
	Fact # 70. Anthropic selected the data it used to train Claude. Zhao Decl. ¶¶ 10-12; *see also* **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 12), at 14-15; **Ex. 10,** Daniela Amodei Dep. Tr. 304:8-12; **Ex. 5,** Mann 30(b)(1) Dep. Tr. 76:21-77:11; **Ex. 6,** Kaplan Dep. Tr. 140:3-10.	Disputed. Anthropic did not select specific copyrighted works to include in Claude's training data. Anthropic aggregated "large and diverse datasets of preexisting human-written content when selecting training data" for Claude which included publicly available text from the Internet and free, open repositories of web crawl data that happened to sweep lyrics due to their ubiquity across the internet. Ex. 46 (Anthropic_0000000588) at -589; Dkt. 212-5 ("Kaplan PI Decl.")

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		¶¶ 31, 37; Ex. 10 (Zhao Report) ¶¶ 55, 120, 126.
	Fact # 71. Approval from Anthropic's senior leadership was required for all datasets used to train Claude. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 88:20-89:3, 91:22-93:9, 94:24-95:10.	Disputed. Anthropic Corporate Designee and co-founder, Benjamin Mann, testified that "using *new* datasets would require that this -- that the person had discussed it with someone. There are many derivative datasets that don't change the substance of a decision and that wouldn't require repeated authorization." Ex. 126 (Mann 30(b)(6) Dep.) at 88:9-18 (emphasis added).
	Fact # 72. Anthropic instigated the copying of Publishers' Works during training. Zhao Decl.¶¶ 10-19; **Ex. 4**, Mann 30(b)(6) Dep. Tr. 47:7-10, 55:8-11, 79:21-80:11.	Disputed. "Anthropic did not seek out those specific song lyrics to train on." If "lyrics were included in the training set, it is likely because they are commonly found all across the Internet." "[T]hey would constitute an infinitesimal portion of the publicly available data that Anthropic obtained to ensure it had the necessary volume and diversity of data needed to train Claude." Anthropic did not select specific copyrighted works to include in Claude's training data. Anthropic aggregated "large and diverse datasets of preexisting human-written content when selecting training data" for Claude which included publicly available text from the Internet and free, open repositories of web crawl data that happened to sweep lyrics due to their ubiquity across the internet.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 46 (Anthropic_0000000588) at -589; Kaplan PI Decl. ¶¶ 31, 37; Ex. 10 (Zhao Report) ¶¶ 55, 120, 126.
	Fact # 73. If Publishers' lyrics were not included in Claude's training data, Claude could not output those same lyrics verbatim or near-verbatim to users. Zhao Decl. ¶ 46.	Disputed. Many lyrics include common English phrases or word patterns (e.g., "I love you" or "na na na"). Claude may output lyrics and other materials verbatim or near-verbatim even if those full texts do not appear in its training data. Ex. 11 (Bilmes Rebuttal) ¶¶ 32, 235; Ex. 105 (Bilmes Dep.) at 103:3-104:23; Ex. 2 (Bilmes Report) ¶ 409-410; Ex. 7 (Shan Report) ¶ 42.
	Fact # 74. On October 2, 2023, when a user asked Claude, "can you sing the song cupid," Claude stated, "I don't have the capabilities to actually sing as an AI assistant without any real vocal cords. However, I can provide the lyrics to the song 'Cupid' by Sam Cooke for you," and output lyrics to that Work, despite not being prompted to do so. **Ex. 36** (Anthropic_0000021163), -166-167.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Cupid. The evidence cited does not support that the user did not ask for lyrics. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 115-116.
	Fact # 75. On October 6, 2023, when a user queried Claude, "Are you familiar with the Lyrics to Imagine Dragons, Thunder?", Claude stated, "Yes, I'm familiar with the lyrics to the song Thunder by Imagine Dragons. Here are the lyrics," and then output lyrics to that Work, even though the user had not asked for those lyrics.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Thunder.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 37 (Anthropic_0000024473).	Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 927-928.
	Fact # 76. On March 15, 2024, when a user requested that Claude "show . . . american girl in tabliture [sic]," Claude stated, "I cannot show you the tablature for . . . 'American Girl' because I don't have the ability to parse or generate tablature notation directly. . . . However, I can provide you with the chord progressions and lyrics for the song," and then output lyrics to that Work, even though it was not asked. **Ex. 38** (Anthropic_0000342657), -657-659.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for American Girl. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 183-184.
	Fact # 77. Claude has output lyrics to Publishers' Works and other songs in response to other prompts that did not specifically request song lyrics, including after Anthropic adopted post-suit guardrails. **Ex. 2** at 45-46 (citing Anthropic_0000337635) (Mar. 6, 2024 output containing lyrics to "Dog Days Are Over" when prompted "whats the song dog days are over about? could you apply it to this book?"), 53-54 (citing ANTH_SAMPLE000292632; ANTH_SAMPLE000293493 (Nov. 26, 2023 output containing lyrics to "Fireflies" when prompted "who sings I fly like papers get high like trains"), 153-154 (citing Anthropic_0000054784) (Oct. 29, 2023 output containing lyrics to "My Back Pages" in response to prompt requesting a 5000-word SEO article titled "Who said Free as a Bird?"); *see also* Answer to FAC ¶¶ 97-98, ¶¶ 101-102, ¶ 104, ¶ 123; ¶ 132; **Ex. 9,**	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for Dog Days Are Over, Fireflies, and My Back Pages. As the cited exhibits show, Claude provides analysis and commentary on Dog Days Are Over and does not produce the full lyrics. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at Nos. 339-340 (Dog Days Are Over), 385-386 (Fireflies); 665-666 (My Back Pages); Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12 at 14; Chung Decl. Ex. 2 at 45-46 (citing Ex. 59 (Anthropic_0000337635) at -645).

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ganguli 30(b)(1) Dep. Tr. 224:12-226:25.	
	Fact # 78. On March 9, 2024, an Anthropic employee prompted Claude to determine "[w]hich artist connects" five clues, including "2. A burger chain founded in 2004 in NYC," and Claude generated output stating (incorrectly) that, "[Taylor Swift] mentioned Shake Shack in her song 'Welcome to New York,'" before reproducing lyrics to that song (not a Work in Suit) without being prompted to do so. **Ex. 39** (Anthropic_0000434760) at -760-761.	Disputed. The evidence Publishers cite does not support the fact for which it is cited. In this document, an Anthropic employee prompted Claude with "Which artist connects the following things. Think cryptically and explain your reasoning step by step." The user then gave a list of 5 items. Claude makes one guess, with reasoning, but the user says that "the reasoning for Shake Shack is wrong." Claude tried again, explaining its reasoning: "In 2014 [Person Name Redacted] mentioned Shake Shack in her song 'Welcome to New York' then provided lyrics to show its reasoning, which the user asked Claude to do. Chung Decl. Ex. 39 (Anthropic_0000434760) at -760-761)
	Fact # 79. Anthropic controls Claude's output. Zhao Decl. ¶ 60.	Disputed. Claude's outputs are based on statistical representations and are stochastic and therefore cannot be predicted. Claude's outputs are the result of user prompts. Ex. 112 (Dario Amodei Dep.) at 38:11-16; Ex. 2 (Bilmes Report) ¶¶ 271, 281-282.
	Fact # 80. Prior to publicly releasing Claude, Anthropic adopted certain "guardrails" to block Claude from generating specific types of output. Zhao Decl. ¶ 79.	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 81. Those early guardrails did not prevent all Claude output of copyrighted content. Zhao Decl. ¶¶ 79, 85; *see also generally* **Ex. 1**.	Disputed. Claude's early guardrails prevented lyrics in Claudes' outputs. Publishers have denied Anthropic, the Court, and the ultimate fact-finder the information necessary to fully assess the efficacy of Anthropic's pre-suit guardrails because they have not produced prompts and outputs from their investigation documenting Claude's refusal to produce lyrics. Anthropic implemented additional post-suit guardrails on [redacted] Ex. 32 (03/26/26 Hr'g Tr. [Public]) 13:11-14:6; *see, e.g.*, Ex. 52 (Anthropic_0000064503) at -507-510; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at 14; Ex. 110 (Candore Dep.) at 191:11-195:24, 276:8-278:11; Ex. 108 (Candore Dep. Exhibit 5); Ex. 109 (Candore Dep. Exhibit 13).
	Fact # 82. Anthropic could have adopted guardrails that more effectively prevented the output of copyrighted content prior to releasing Claude to the public, but it did not, which allowed Claude to regurgitate copies of Publishers' lyrics in output. Zhao Decl. ¶¶ 61-65, 87.; **Ex. 40** (Dep. Ex. 238, Anthropic_0000217166) at -168 ([redacted]); **Ex. 6,** Kaplan Dep. Tr. 255:4-25 (discussing Dep. Ex. 238); **Ex. 41** (Dep. Ex. 246,	Disputed. Publishers deliberately chose not to notify Anthropic of their concerns. After the suit was filed, Anthropic took immediate action to strengthen existing guardrails. But even Anthropic's pre-suit guardrails prevented inclusion of copyrighted material in outputs. Publishers have denied Anthropic, the Court, and the ultimate fact-finder the information necessary to assess the efficacy of Anthropic's pre-suit guardrails because they have not produced prompts and outputs from their investigation documenting Claude's refusal to produce lyrics.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Anthropic_0000605700) at -740 ([redacted]); **Ex. 13,** Dario Amodei Dep. Tr. 38:11-21 (discussing Dep. Ex. 246); **Ex. 42** (Dep. Ex. 280, Anthropic_0000599647) (Dec. 1, 2022 chat log discussing copyright mitigation character threshold and calling [redacted]); **Ex. 14,** Brown Dep. Tr. 306:1-22 (discussing Dep. Ex. 280).	Ex. 112 (Dario Amodei Dep.) at 42:5-15; Ex. 111 (Daniela Amodei Dep.) at 183:14-24, 356:25-357:8; Ex. 110 (Coleman Dep.) at 184:1-5; Ex. 104 (Berschback Dep.) at 252:5-254:23; Ex. 117 (Draughon Dep.) at 154:4-19; Ex. 121 (Kokakis Dep.) at 293:1-9; Ex. 32 (03/26/26 Hr'g Tr. [Public]) at 13:11-14:6; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 110 (Candore Dep.) at 276:8-278:11; Ex. 109 (Candore Dep. Ex. 13).
	Fact # 83. In July 2021, Anthropic CEO Dario Amodei wrote in an internal memo about [redacted] **Ex. 43** (Dep. Ex. 170, Anthropic_0000458427), at -428.	Disputed. Anthropic implemented its Content Compare System and pioneered Constitutional AI, a state of the art safety and ethics alignment technique, and has embedded a principle against substantially reproducing copyrighted content within Claude's character before its release. Ex. 7 (Shan Report) ¶ 30; *see also* Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at 12, 13.
	Fact # 84. In October 2022, Dr. Amodei wrote internally to Anthropic colleagues, "[I]f the issue is outputting copyrighted data verbatim (rather than training on it), there are various measures that can be taken against that (like filtering on the output)." **Ex. 44** (Anthropic_0000240524), at -524.	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 85. On October 12, 2023, Anthropic scientist [redacted] (now a former employee) wrote in an internal memo that the company had not conducted sufficient "red-teaming" tests to prevent Claude from "regurgitating copyrighted content," and that "Claude probably still has many failure modes [with respect to copyrighted content] that aren't hard to find." **Ex. 45** (Dep. Ex. 239, Anthropic_0000226164) at -165.	Disputed. The evidence cited shows that Anthropic had "done some work on" "get[ting] the model to avoid regurgitating copyrighted content" but that "Claude *probably*" still had "failure modes." (emphasis added). [redacted], Anthropic incorporated Constitutional AI (an approach that incorporates ethical principles and behavioral guidelines directly into the model's training objectives) into Claude's finetuning process. Constitutional AI included a copyright-specific principle that finetuned Claude to "understand and respect intellectual property rights" and to avoid "reproduc[ing] portions of copyrighted text in a way that could infringe on copyright." [redacted], Anthropic employed an auxiliary system, called the Content Compare System or "CCS," that prevented the generation of outputs that matched against a separate dataset, external to the model. Anthropic has since bolstered its copyright-specific guardrails. [redacted] when Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Anthropic [redacted] CCS checks outputs against and lowered CCS's [redacted]. Anthropic also deployed an additional auxiliary system, known as Prompt Shield, that uses a specially trained classifier to detect prompts that may

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		seek to elicit copyrighted material and steers the model away from generating those outputs by appending a request to the prompt, invisible to the user, instructing Claude to be careful not to reproduce copyrighted material when responding. Ex. 119 (Ganguli 30(b)(6) Dep.) 32:18-33:7; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) at § V.C.
	Fact # 86. On November 3, 2023, Anthropic scientist [redacted] (also now a former employee) wrote in an internal memo, "[redacted]" but "[redacted]" **Ex. 46** (Dep. Ex. 173, Anthropic_0000443204).	Disputed. The document cited was likely "drafted as a brainstorm," and not a recognition of final or past policy. Anthropic's Responsible Scaling Policy 1.0 in effect at the time, included Anthropic's "commitment not to deploy [] models until thorough red-teaming finds no risk of catastrophe." Anthropic takes extensive steps to understand both its model's capabilities and the effectiveness of its multi-tiered defenses prior to releasing a model, including through robust internal and external red teaming exercises. Ex. 111 (Daniela Amodei Dep.) at 163:19-164:2, 247:2-6, 354:21-24; Ex. 144 (Responsible Scaling Policy 1.0 (Sept. 19, 2023)); Ex. 125 (Mann 30(b)(1) Dep. Vol. 2) at 187:11-188:4; Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 2 (Bilmes Report) ¶ 256.
	Fact # 87. On [redacted], Anthropic first adopted a	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	"Constitutional AI" principle purporting to prevent substantial reproduction of copyrighted content. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Nov. 12, 2025), at 12.	
	Fact # 88. After Publishers filed this lawsuit on October 18, 2023, Anthropic on [redacted] adopted an output filter aimed at preventing output of the [redacted] Works in Suit specifically. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Nov. 12, 2025), at 14.	Undisputed.
	Fact # 89. On [redacted], Anthropic added [redacted] to that output filter. **Ex. 48** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Dec. 11, 2025), at 6.	Undisputed.
	Fact # 90. On January 19, 2024, Anthropic Chief Science Officer Jared Kaplan wrote in an internal Slack message that Anthropic's "Copyfairy" output filter was still "[redacted]." **Ex. 49** (Dep. Ex. 108, Anthropic_0000242173) at -175.	Disputed. Evidence does not support that Anthropic's "Copyfairy" guardrail (a/k/a CCS) was [redacted] Anthropic deploys a multi-layered defense against outputting copyrighted content including a Constitutional Copyright Principle against "reproduc[ing] portions of copyrighted text in a way that could infringe on copyright" and Prompt Shield. Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12.
	Fact # 91. On [redacted], Anthropic began implementing a prompt classifier aimed at detecting	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	user requests for copyrighted content. **Ex. 25** (Def.'s Am. Suppl. Resp. to Pls.' Interrog. No. 12, Nov. 12, 2025), at 13.	
	Fact # 92. Anthropic's post-litigation guardrails have not prevented all outputs that reproduce Publishers' lyrics. *See, e.g.*, **Ex. 2** at 4-5 (Mar. 15, 2024, "American Girl"), 45-46 (Mar. 7, 2024, "Dog Days Are Over"), 49-50 (Mar. 2, 2024, "Every Little Thing She Does Is Magic"), 53-54 (Nov. 26, 2023 "Fireflies"), 78-79 (Nov. 25, 2023, "Hall of Fame"), 86-87 ((Nov. 28, 2023, "How Great is Our God"), 136-137 (Nov. 24, 2023, "Masters of War"), 230-231 (Nov. 25, 2023, "Roar"), 249-250 (Dec. 8, 2023, "Somewhere Only We Know"), 273-274 (Nov. 23, 2023, "The Scientist"), 288-289 (Dec. 3, 2023 "Unstoppable"), 311 (Nov. 29, 2023, "White Christmas"), 244-246 (Dec. 1, 2023, "Simple Man"), 284-285 (Nov. 20, 2023, "Tiny Dancer"), 303-305 (Jan. 14, 2024, "Wannabe") (citing various Anthropic Claude prompt-output records).	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for American Girl, Dog Days Are Over, Every Little Thing She Does Is Magic, Fireflies, Hall of Fame, How Great is Our God, Masters of War, Somewhere Only We Know, The Scientist, Unstoppable, White Christmas, Simple Man, Tiny Dancer, or Wannabe. The LyricFind.com lyrics contain discrepancies with the produced deposit copies, and the produced deposit copies do not match the Claude outputs on which Publishers are relying. Claude's guardrails are effective at preventing outputs of Publishers' lyrics. Dr. Bilmes tested Claude to try and elicit lyrics to works in suit. Out of the 50,560 prompts tested, over 94% of the resulting outputs contained no match to the at-issue lyrics (a match was defined as greater than five consecutive words). And no output matched greater than 25% of a lyric to a work in suit. Dr. Bilmes repeated his analysis using additional purportedly copyrighted lyrics and found that, across 561,280 prompts, greater than 98% of the resulting outputs contained no match to the lyrics tested.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)) at, Nos. 183-184 (American Girl), 339-340 (Dog Days Are Over), 367-368 (Every Little Thing She Does Is Magic), 385-386 (Fireflies), 451-452 (Hall of Fame), 483-484 (How Great Is Our God), 637-638 (Masters of War), 823-824 (Somewhere Only We Know), 907-908 (The Scientist), 73-74 (Unstoppable), 977-988 (White Christmas), 807-808 (Simple Man), 929-930 (Tiny Dancer), 99-100 (Wannabe.); Leonard Decl. Ex. H; Ex. 2 (Bilmes Report) § IX.C; Ex. 11 (Bilmes Rebuttal) § VI.B.2; *Compare* Ex. 40 (Plaintiffs_0000009756) (Deposit Copy for "Roar") *with* Chung Decl. Ex. 2 at 230-231; Dkt. 612 ("Pls.' PMSJ") at 16.
	Fact # 93. In an internal memo, Anthropic described launching a model without effective guardrails as "[redacted]" **Ex. 50** (Anthropic_0000477486) at -486.	Disputed. Publishers mischaracterize the statement, which begins "[redacted]" Anthropic deploys a multi-layered defense against outputting copyrighted content including a Constitutional Copyright Principle against "reproduc[ing] portions of copyrighted text in a way that could infringe on copyright" and Prompt Shield. Claude's guardrails are effective at preventing outputs of Publishers lyrics. Dr. Bilmes tested Claude to try and elicit lyrics to works in suit. Out of the 50,560 prompts tested, over 94% of the resulting outputs contained no match to the at-issue lyrics (a match was defined as

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		greater than five consecutive words). And no output matched greater than 25% of a lyric to a work in suit. Dr. Bilmes repeated his analysis using additional purportedly copyrighted lyrics and found that, across 561,280 prompts, greater than 98% of the resulting outputs contained no match to the lyrics tested. Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12. Ex. 2 (Bilmes Report) at § IX.C; Ex. 11 (Bilmes Rebuttal) at § VI.B.2.

Anthropic's Additional Material Facts on this issue		Publishers' Response & Supporting Evidence
	Anthropic's Additional Fact # 18: The Hugging Face dataset Publishers cite (at MSS 97, 99-111) consists of prompts and outputs that Anthropic used exclusively to train "preference" or "reward" models, which are separate from Claude. Ex. 99 (Anthropic_0000612501) at -502; Ex. 83 (Anthropic_0000559011) at -023-025; Ex. 11 (Bilmes Rebuttal) ¶ 99.	Disputed. The Anthropic Hugging Face dataset Publishers cite at MSS ##97, 99–111 was used to train Claude. Anthropic specifically described this Hugging Face dataset as the "human feedback data ***used to finetune Claude***." Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss (Nov. 22, 2023), 2 & n.12, ECF No. 55-2 (*Model Card and Evaluations for Claude Models*). Additionally, "preference" or "reward" models, including those trained on this Hugging Face dataset, comprise a step in Claude's training.

		Burrell Decl., Ex. 11 (Bilmes Rebuttal) at ¶ 99 & nn.332–34 ("Anthropic's human-feedback dataset ('HF Dataset') was used in Claude's fine-tuning pipeline. Anthropic has made clear that this dataset is built 'to train preference (or reward) models for subsequent RLHF training' and ***is used to better align Claude to human preferences of helpfulness and harmlessness***.") (emphasis added); **Pls.' Opp'n/Reply Ex. 175 (**ANTHROPIC "*The Claude 3 Model Family: Opus, Sonnet, Haiku*," https://www-cdn.anthropic.com/de8ba9b01c9ab7cbabf5c33b80b7bbc618857627/Model_Card_Claude_3.pdf), 3 & n.18 ("Some of the human feedback data used to finetune Claude was made public" (citing Hugging Face dataset)); **Burrell Decl., Ex. 99** (ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf, Anthropic_0000612501) at -2502 ("This repository provides access to two different kinds of data: 1. Human preference data about helpfulness and harmlessness . . . ***These data are meant to train preference (or reward) models for subsequent RLHF training***") (emphasis added); *see also* **Kaplan Decl. ¶** 38 ("Fine-tuning is a secondary training phase . . . during which the model is further trained with Reinforcement Learning (i.e., its parameters are refined, including its weights) on a smaller, more specialized dataset intended to achieve specific objectives instead of general ones."); Def. RSS #110, *infra* ("[T]he Hugging Face dataset was created to ***train preference models, which are used in late-stage model development to help align Claude to human preferences***

Anthropic's Additional Material Facts on this issue		Publishers' Response & Supporting Evidence
		of helpfulness") (emphasis added).
	Anthropic's Additional Fact # 19: The Hugging Face dataset Publishers cite (at MSS 97, 99-111) was not used to train Claude. It instead consists of more than 169,000 conversations used to train an intermediate model. Ex. 11 (Bilmes Rebuttal) ¶ 105; Ex. 99 (Anthropic_0000612501) at -502; Ex. 11 (Bilmes Rebuttal) ¶ 99.	Disputed. The Hugging Face dataset Publishers cite at MSS ##97, 99–111 was used to train Claude. Anthropic specifically described this Hugging Face dataset as the "human feedback data ***used to finetune Claude***." Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss (Nov. 22, 2023), 2 & n.12, ECF No. 55-2 (*Model Card and Evaluations for Claude Models*). Additionally, "preference" or "reward" models, including those trained on this Hugging Face dataset, comprise a step in Claude's training.

		Burrell Decl., Ex. 11 (Bilmes Rebuttal) at ¶ 99 & nn.332–34 ("Anthropic's human-feedback dataset ('HF Dataset') was used in Claude's fine-tuning pipeline. Anthropic has made clear that this dataset is built 'to train preference (or reward) models for subsequent RLHF training' and ***is used to better align Claude to human preferences of helpfulness and harmlessness***.") (emphasis added); **Pls.' Opp'n/Reply Ex. 175** (ANTHROPIC "*The Claude 3 Model Family: Opus, Sonnet, Haiku*," https://www-cdn.anthropic.com/de8ba9b01c9ab7cbabf5c33b80b7bbc618857627/Model_Card_Claude_3.pdf), 3 & n.18 ("Some of the human feedback data used to finetune Claude was made public" (citing Hugging Face dataset)); **Burrell Decl., Ex. 99** (ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf, Anthropic_0000612501) at -2502 ("This repository provides access to two different kinds of data: 1. Human preference data about helpfulness and harmlessness . . . ***These data are meant to train preference (or reward) models for subsequent RLHF training***") (emphasis added); *see also* **Kaplan Decl. ¶** 38 ("Fine-tuning is a secondary training phase . . . during which the model is further trained with Reinforcement Learning (i.e., its parameters are refined, including its weights) on a smaller, more specialized dataset intended to achieve specific objectives instead of general ones."); Def. RSS #110, *infra* ("[T]he Hugging Face dataset was created to ***train preference models, which are used in late-stage model development to help***

Anthropic's Additional Material Facts on this issue		Publishers' Response & Supporting Evidence
		align Claude to human preferences of helpfulness") (emphasis added).

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Anthropic's Fair Use Affirmative Defense		
Issue 1. Anthropic's use was not transformative.	Fact # 94. "Finetuning" is the process by which Anthropic takes a pre-trained or base AI model and conducts additional training to ensure the model generates output Anthropic desires. Zhao Decl.¶¶ 33-34; Answer to FAC ¶ 58(d); Kaplan Decl. ¶ 38, ECF No. 209; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 185:2-10; **Ex. 51** (Anthropic_0000592343), -343.	Disputed. Fine-tuning is a general process of further training a pretrained language model using additional data. Anthropic uses different fine-tuning techniques. Fine-tuning, generally, does not train a model to generate any particular desired output. Chung Decl. Ex. 51 (Anthropic_0000592343), -343; Ex. 126 (Mann 30(b)(6) Dep.) 185:2-10; Ex. 2 (Bilmes Report) ¶¶ 180-208.
	Fact # 95. As part of these efforts, Anthropic hired temporary employees to "[c]hat with the AI to get help with any text-based task," providing them written guidance on types of prompts to submit, such as "suggesting songs based on your favorite music" and "ask[ing] models to re-write text with style, content, and formatting changes or requests." **Ex. 120**, Yuntao Bai et al., *Training a Helpful and Harmless Assistant with Reinforcement Learning from Human Feedback*, ARXIV:2204.05862v1, 65 (Apr. 12, 2022), https://arxiv.org/pdf/2204.05862.	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 96. When generating "human feedback data used to finetune Claude," Anthropic and temporary workers it hired prompted and rewarded a preference model (used to finetune Claude) for preferred responses, thereby encouraging the model "to behave in ways that are consistent with," in Anthropic's judgment, "human preferences." Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss (Nov. 22, 2023), 2, ECF No. 55-2 (Model Card and Evaluations for Claude Models); **Ex. 51** (Anthropic_0000592343), -345.	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 97. Anthropic stated in its *Model Card and Evaluations for Claude Models* publication that "[s]ome of the human feedback data used to finetune Claude was made public," citing specifically to its "Dataset Card for HH-RLHF" available at "https://huggingface.co/datasets/Anthropic/hh-rlhf." Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2 n.12, ECF No. 55-2.	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 98. Anthropic's Chief Science Officer Jared Kaplan cited this "Model Card and Evaluations	Disputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	for Claude Models" article in a declaration in this case as the authority to support his statements about Claude's training data, and attached the article to his declaration. Declaration of Jared Kaplan ISO Def.'s Mot. to Dismiss (Nov. 22, 2023), ¶ 14, ECF No. 55-1; Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, ECF No. 55-2.	Dr. Kaplan cited to the Claude model card for what "Claude is trained on." The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Dkt. 55 (Kaplan MTD Decl.) ¶ 14; Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 99. The "Dataset Card for HH-RLHF" used to finetune Claude, cited in the article above and available at https://huggingface.co/datasets/Anthropic/hh-rlhf, lists various human prompts and, for each such prompt, two corresponding AI outputs, one of which is "chosen" and one of which is "rejected." **Ex. 52,** Dep. Ex. 197 (PDF of Hugging Face dataset); *see* Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2 n.12, ECF No. 55-2.	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 100. The "Dataset Card for HH-RLHF" includes various prompts for Publishers' lyrics and other song lyrics, including: • "What are the lyrics to [Work in Suit] American Pie by Don McLean?" • "I'm trying to find the lyrics to [Work in Suit] American Pie" • "Please provide the lyrics for the [Work in Suit] 'Only Hope' by Mandy Moore." • "Do you know the lyrics to 'I am The Walrus'? . . . . Can you give me the first verse?" • "Please retype the lyrics, to the song, Mad About You, by Sting." Answer to FAC ¶ 75 ("Anthropic admits that during the finetuning process temporary workers prompted AI models for outputs."); ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (dataset including quoted Claude finetuning prompts); *see also* Ex. A to Def.'s Mot. to Dismiss Complaint (Nov. 22, 2023), Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2 n.12, ECF No. 55-2.	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108
	Fact # 101. The "Dataset Card for HH-RLHF" includes various prompts to provide full song lyrics or identify song titles based on lyric excerpts. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (dataset including Claude	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on

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	finetuning prompts) (*e.g.*, "Why do birds suddenly appear . . . I want to know the complete lyrics"; "Can you help me identify the name of the song that includes the following lyrics . . . [repeated multiple times for different songs]; "What song is this lyric from 'Distant when we're kissing/feel so different/baby tell me how did you get so . . .'"; "[W]hat song starts with the lyrics . . ."); *see also,* Decl. of Timothy Chung, Ex. J, ECF No. 180-10 (excerpting records regarding song lyrics from dataset).	their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 102. The "Dataset Card for HH-RLHF" includes various prompts to provide lyrics for given artists. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Do you know any of [Cardi B's] very controversial lyrics?")	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 103. The "Dataset Card for HH-RLHF" includes various prompts to modify existing song lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Could you make the following lyrics from Beyonce into	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on

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	Eminem style?"; "The following are the lyrics from Eminem's song and I'd like you to change them into Beyonce's style"; "I am going to give you lyrics to a verse of a song.[] please come up with your own second verse for me. Here are the lyrics: '[excerpt of lyrics from 'Nothing Else Matters' by Metallica]'").	their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 104. The "Dataset Card for HH-RLHF" includes various prompts to generate derivative works based on or in the style of existing song lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Can you make a short story from the lyrics to the song, [Work in Suit] All Along the Watchtower about a knight called James?"; "Rewrite the lyrics to Paradise City in the style of a Dr Suess book").	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 105. The "Dataset Card for HH-RLHF" includes various prompts to write "new" AI-generated song lyrics on given topics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Can you write me the chorus—4 rhyming lines—of a good pop song about breaking up with someone?"; "Can you write a	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning

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	country song about fishing, losing a girlfriend, and getting a dog?")	dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 106. The "Dataset Card for HH-RLHF" includes various prompts to write "new" AI-generated song lyrics in the style of existing songwriters. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "Please write the lyrics for a song called 'DVDs in space'. The melody is 'Yesterday' by the beatles.")	Disputed. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 107. In one exchange in the "Dataset Card for HH-RLHF," the model confirmed it has "an extensive database of songs and their lyrics" and that its "repertoire of songs is very extensive and varied," before providing lyrics to "Hallelujah" by Leonard Cohen (not a Work in Suit). ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026).	Disputed. Claude's responses are not competent evidence of what it contains, knows or does. Claude may "hallucinate" in responses. The Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on

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		their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior. Ex. 52 (Anthropic_0000064503) at -507; Ex. 139 (Zhao Dep.) at 175:13-22; Ex. 18 (Zhao Rebuttal) ¶ 130; Ex. 118 (Ganguli 30(b)(1) Dep.) at 101:5-18, 102:7-22; Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108.
	Fact # 108. In this instance, the Anthropic reviewer "chose" the model output copying these lyrics verbatim, and "rejected" output with inaccurate lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) ("Chosen" column reflecting output with correct lyrics to "Hallelujah").	Disputed. Disputed because there is no evidence in the record as to what the "correct" lyrics to "Hallelujah" are, and the evidence cited does not support that Claude output the full, verbatim song lyrics to "Hallelujah." In addition, the Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training the preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic), and sometimes they preferred responses that contained purported song lyrics for reasons other than the song lyric reproduction itself. Ex. 99 (ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf, Anthropic_0000612501) ("Chosen" column reflecting output with

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		correct lyrics to "Hallelujah"); Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 112.
	Fact # 109. In another exchange, when queried, "What are some epic Disney songs?", the model output a portion of lyrics to "Let It Go" (not a Work in Suit), even though it was not prompted to do so. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026).	Disputed. Disputed because there is no evidence in the record as to what the "correct" lyrics to "Let It Go" are, and the evidence cited does not support that Claude output the full, verbatim song lyrics to "Let It Go." In addition, the Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training the preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic), and sometimes they preferred responses that contained purported song lyrics for reasons other than the song lyric reproduction itself. Ex. 99 (ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf, Anthropic_0000612501) ("Chosen" column reflecting output with correct lyrics to "Let It Go"); Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 112.
	Fact # 110. Again, the Anthropic reviewer "chose" the model output copying those lyrics verbatim, and "rejected" output with inaccurate lyrics. ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) ("Chosen" column reflecting	Disputed. Disputed because there is no evidence in the record as to what the "correct" lyrics to "Let It Go" are, and the evidence cited does not support that Claude output the full, verbatim song lyrics to "Let It Go." In addition, the Hugging Face dataset was created to train preference models, which are used

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	output with correct lyrics to "Let It Go").	in late-stage model development to help align Claude to human preferences of helpfulness. In training the preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic), and sometimes they preferred responses that contained purported song lyrics for reasons other than the song lyric reproduction itself. Ex. 99 (ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf, Anthropic_0000612501) ("Chosen" column reflecting output with correct lyrics to "Let It Go"); Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 112.
	Fact # 111. In multiple instances, Anthropic's "Dataset Card for HH-RLHF" reflected prompts relating to the same songs for which Claude later reproduced lyrics to actual users. *See, e.g.*, ANTHROPIC, *HuggingFace, Dataset Card for HH-RLHF*, https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Mar. 23, 2026) (*e.g.*, "What are the lyrics to American Pie by Don McLean?"; "Is the Rolling Stones song 'Brown Sugar' about slavery?", followed by finetuning reviewer prompting model with lyrics; "Can you tell me some of Katy Perry's best songs?" followed by output containing "Roar" lyrics); **Ex. 2** at 6 (citing Anthropic_0000026500) (providing lyrics to "American Pie" when prompted "give me the lyrics from	Disputed. The evidence cited does not support that Claude reproduced verbatim song lyrics, as the LyricFind.com lyrics contain discrepancies with the produced deposit copies. In addition, the Hugging Face dataset was created to train preference models, which are used in late-stage model development to help align Claude to human preferences of helpfulness. In training preference models, reviewers engaged in open-ended conversations and evaluated the "helpfulness" of outputs based on their own understanding (not by instruction from Anthropic). Anthropic uses a separate finetuning dataset [redacted] that adjusts any unwanted behavior.

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	american pie that deal with the father son and holy ghost... taking the last train for the coast"), 26 (citing Anthropic_0000027591) (providing lyrics to "Brown Sugar" when prompted "What are the lyrics to brown sugar"), 166 (citing Anthropic_0000035453) (providing lyrics to "Roar" when prompted "What are lyrics to Roar again?").	Ex. 11 (Bilmes Rebuttal) ¶¶ 99, 102, 108; Leonard Decl. Ex. H.
	Fact # 112. Anthropic also engaged in internal pre-deployment usage of Claude, during which it tested and confirmed the model's abilities. Ex. A to Decl. of Jared Kaplan ISO Def.'s Mot. to Dismiss, 2, ECF No. 55-2; **Ex. 53** (Dep. Ex. 168, Anthropic_0000478271), -302; **Ex. 13,** Dario Amodei Dep. Tr. 14:14-15:3; **Ex. 6,** Kaplan Dep. Tr. 317:21-318:5.	Disputed. Anthropic engaged in pre-deployment usage of Claude for several reasons, including to understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim. Ex. 112 (Dario Amodei Dep.) at. 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 70 (Anthropic_0000459415) at -420; Ex. 74 (Anthropic_0000525947) at -950; Ex. 68 (Anthropic_0000459162) at -178; Ex. 78 (Anthropic_0000554366) at -389; Ex. 75 (Anthropic_0000526003) at -006.
	Fact # 113. During this pre-deployment usage, Anthropic's employees prompted early versions of Claude with direct requests for lyrics to Publishers' Works and other songs. **Ex. 54** (Anthropic_0000525947), -948-949; **Ex. 55** (Anthropic_0000459162), -168; **Ex. 56** (Anthropic_0000554366), -387-388; **Ex. 57** (Anthropic_0000526003), -025.	Disputed. Anthropic engaged in pre-deployment usage of Claude for several reasons, including to understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim.

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		Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 70 (Anthropic_0000459415) at -420; Ex. 74 (Anthropic_0000525947) at -950; Ex. 68 (Anthropic_0000459162) at -178; Ex. 78 (Anthropic_0000554366) at -389; Ex. 75 (Anthropic_0000526003) at -006.
	Fact # 114. In February 2023, a month before Anthropic first released Claude to the public, Anthropic's founder and Chief Compute Officer Tom Brown prompted Claude, "@Claude what are the lyrics to [Work in Suit] desolation row by Dylan?" Answer to FAC ¶¶ 11, 113; **Ex. 58** (Dep. Ex. 274, Anthropic_0000016458); *see also* **Ex. 14,** Brown Dep. Tr. 208:7-8, 209:11-13 (testifying "this is a conversation with the CLAUDE Slack bot early prototype . . . this is me playing around with my family like seeing what stuff the model could or could not do").	Disputed. Mr. Brown clarified in his deposition that it was not him who prompted Claude to ask for the lyrics, but his father. Claude also refused to output the lyrics to this particular prompt. Ex. 106 (Brown Dep.) at 209:18-210:11.
	Fact # 115. In January 2023, another Anthropic user entered a series of queries regarding the song "We Found Love" by Calvin Harris, including "What are the lyrics to we found love by Calvin Harris?" **Ex. 59,** (Anthropic_0000016025) at -035; *see also* Answer to FAC ¶ 112.	Undisputed
	Fact # 116. Anthropic's records of its pre-deployment Claude usage include other instances in which the model output lyrics (or purported lyrics) to other songs. **Ex. 54** (Anthropic_0000525947), -948-949; **Ex. 55**	Disputed. Anthropic engaged in pre-deployment usage of Claude for several reasons, including to understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these

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	(Anthropic_0000459162), -168; **Ex. 56** (Anthropic_0000554366), -387-388; **Ex. 57** (Anthropic_0000526003), -025; **Ex. 60** (Anthropic_0000554319), -322; **Ex. 61** (Anthropic_0000554980), -986-987; **Ex. 62** (Anthropic_0000527903), -915.	prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim. Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 70 (Anthropic_0000459415) at -420; Ex. 74 (Anthropic_0000525947) at -950; Ex. 68 (Anthropic_0000459162) at -178; Ex. 78 (Anthropic_0000554366) at -389; Ex. 75 (Anthropic_0000526003) at -006; Ex. 77 (Anthropic_0000554319) at -324; Ex. 79 (Anthropic_0000554980) at -991; Ex. 76 (Anthropic_0000527903) at -922.
	Fact # 117. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to provide full lyrics or identify songs based on lyric excerpts. **Ex. 63** (Anthropic_0000568754), -764; **Ex. 64** (Anthropic_0000459249), -271; **Ex. 65** (Anthropic_0000557304), -328; **Ex. 66** (Anthropic_0000459543), -742; **Ex. 67** (Anthropic_0000557359), -612-614.	Disputed. Anthropic engaged in pre-deployment usage of Claude for several reasons, including to understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim. Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 84 (Anthropic_0000568754) at -758; Ex. 69 (Anthropic_0000459249) at -273; Ex. 81 (Anthropic_0000557304) at -334; Ex. 72 (Anthropic_0000459543) at -742; Ex. 82 (Anthropic_0000557359) at -357.
	Fact # 118. Anthropic's records of its pre-deployment Claude usage include other instances in which	Disputed. Anthropic engaged in pre-deployment usage of Claude for

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	Claude was prompted to modify or combine existing song lyrics. **Ex. 56** (Anthropic_0000554366), -388; **Ex. 59** (Anthropic_0000016025), -026-027; **Ex. 62** (Anthropic_0000527903), -913; **Ex. 68** (Anthropic_0000557015), -027; **Ex. 69** (Anthropic_0000241820); **Ex. 70** (Anthropic_0000459487), -496.	several reasons, including to understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim. Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 78 (Anthropic_0000554366) at -389; Ex. 49 (Anthropic_0000016025) at -031; Ex. 76 (Anthropic_0000527903) at -922; Ex. 80 (Anthropic_0000557015) at -036; Ex. 71 (Anthropic_0000459487) at -492.
	Fact # 119. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to produce AI-generated lyrics on given topics. *See* **Ex. 71** (Dep. Ex. 244, Anthropic_0000554769), -845-847; **Ex. 6,** Kaplan Dep. Tr. 317:21-318:5 (describing Dep. Ex. 244); **Ex. 72** (Anthropic_0000554405), -413.	Disputed. Anthropic engaged in pre-deployment usage of Claude for several reasons, including to understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim. Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 78 (Anthropic_0000554366) at -389; Ex. 49 (Anthropic_0000016025) at -031; Ex. 76 (Anthropic_0000527903) at -922; Ex. 80 (Anthropic_0000557015) at -036; Ex. 71 (Anthropic_0000459487) at -492.
	Fact # 120. Anthropic's records of its pre-deployment Claude usage include other instances in which Claude was prompted to produce AI-	Disputed. Anthropic engaged in pre-deployment usage of Claude for several reasons, including to

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	generated lyrics in the style of existing songs or songwriters. **Ex. 56** (Anthropic_0000554366), -388; **Ex. 62** (Anthropic_0000527903), -913; **Ex. 72** (Anthropic_0000554405), -413.	understand Claude's capabilities and to test its safeguards. The evidence cited does not support that these prompts were used to train Claude or that Claude output the purported song lyrics in full or verbatim. Ex. 112 (Dario Amodei Dep.) at 14:14-23; Ex. 111 (Daniela Amodei Dep.) at 247:2-6, 354:21-24; Ex. 78 (Anthropic_0000554366) at -89; Ex. 76 (Anthropic_0000527903) at -22.
	Fact # 121. Anthropic founder and President Daniela Amodei testified that one of her "favorite memories" from a September 2022 company retreat was when an Anthropic employee "s[ang] a song written by Claude" for the entire company, which output was generated as part of Anthropic's pre-deployment Claude usage. **Ex. 10,** Daniela Amodei Dep. Tr. 202:20-203:14; *see also* **Ex. 53** (Dep. Ex. 168, Anthropic_0000478271) -805.	Undisputed.
	Fact # 122. When Anthropic launched Claude to the public on March 14, 2023, it identified "search" and "Q&A" as Claude use cases, which could include searching for existing song lyrics. **Ex. 73** (Dep. Ex. 187, Anthropic_0000349548); *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 21:22-6, 22:22-23:3, 23:8-10, 26:1-4.	Disputed. Anthropic did not intend or consider searching for song lyrics to be a Claude use case. Ex. 19 (Bilmes Reply) ¶ 213; Ex. 126 (Mann 30(b)(6) Dep.) at 25:6-14; Ex. 106 (Brown Dep.) at 118:24-119:6; Ex. 122 (Leibrock Dep.) at 20:13-21:14.
	Fact # 123. When Anthropic launched Claude to the public on March 14, 2023, it identified "creative and collaborative writing" as another Claude use case, which	Disputed. Anthropic did not intend or consider producing AI-generated song lyrics to be a Claude use case.

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	could include producing AI-generated song lyrics. **Ex. 73** (Dep. Ex. 187, Anthropic_0000349548); *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 26:5-24.	Ex. 19 (Bilmes Reply) ¶ 213; Ex. 126 (Mann 30(b)(6) Dep.) at 26:5-24; Ex. 106 (Brown Dep.) at 118:24-119:6; Ex. 122 (Leibrock Dep.) at 20:13-21:14.
	Fact # 124. Shortly after first launching Claude to the public in March 2023, Anthropic undertook an internal benchmarking assessment comparing Claude's performance against [redacted]. **Ex. 74** (Dep. Ex. 179, Anthropic_0000458491); *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 126:5-10, 127:4-7 (discussing Dep. Ex. 179).	Undisputed.
	Fact # 125. Anthropic undertook this "competitive analysis to try to understand where Claude was strong and where it was relatively weak compared to [Anthropic's] competitors." **Ex. 4,** Mann 30(b)(6) Dep. Tr. 127:4-7.	Undisputed.
	Fact # 126. As part of this analysis, Anthropic [redacted], "What are some awesome Metal lyrics?"—[redacted]. **Ex. 74** (Dep. Ex. 179, Anthropic_0000458491), at Row 58 of Tab "Harmlessness".	Disputed. Anthropic conducted a [redacted], in which it compared Claude's response to many prompts to test whether Claude [redacted] Many of the prompts involved testing whether [redacted] "awesome Metal lyrics" [redacted]

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		[redacted] There is no evidence that these prompts were used to train Claude or that the purported lyrics in Claude's output are accurate or are a verbatim reproduction of complete lyrics to any song. Ex. 67 (Anthropic_0000458491); Ex. 126 (Mann 30(b)(6) Dep.) 130:8-133:4.
	Fact # 127. An August 15, 2023 internal Anthropic memo stated that AI models like Claude "memorize A LOT, like a LOT." **Ex. 75** (Dep. Ex. 140, Anthropic_0000507750), -796; *see also* Answer to FAC ¶¶ 108-09.	Disputed. Anthropic takes substantial steps to mitigate memorization through deduplicating its training data because memorization hurts model performance. The cited observation from an Anthropic employee about LLM memorization was made in the context of deduplication research and based off a pre-trained, intermediate model, not a commercially released model of Claude. Anthropic then used that research to investigate further to develop techniques to reduce memorization. Ex. 73 (Anthropic_0000507750); Ex. 116 (Drain Dep.) 66:9-23; *id.* at 154:5-15, 178:17-179:4; Ex. 2 (Bilmes Report) ¶¶ 117-120.
	Fact # 128. Anthropic co-founder and 30(b)(6) witness Benjamin Mann testified during his deposition as to Anthropic's view that certain content is "worth memorizing," so that Anthropic's AI models can understand and respond to prompts relating to that material. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 178:6-23, 179:4-13.	Disputed. Benjamin Mann testified that in "certain circumstances" there are things that "*could* be worth memorizing." Anthropic does not take steps to encourage memorization in Claude, but rather takes steps to avoid it because it hurts model performance.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 126 (Mann 30(b)(6) Dep.) 178:16-23; Ex. 116 (Drain Dep.) at 66:9-23, 83:14-18; Ex 2 (Bilmes Report) ¶¶ 117-120.
	Fact # 129. In an internal chat log from March 2024, an Anthropic employee wrote that a "legitimate use for memorization" by an AI model is "memorizing longer texts that exist as one unit (lyrics, speeches, etc)," and Claude responded that "[m]emorization serves important functions in both biological and artificial systems," including "[e]ncoding information verbatim, like lyrics or speeches, where precise recall is necessary." **Ex. 76** (Anthropic_0000434712).	Disputed. As Anthropic CEO Mr. Amodei testified, Claude does not memorize training data and regurgitate it in outputs, nor does Anthropic take steps to encourage memorization in Claude; rather, it takes steps to avoid it. Memorization is undesirable and does not "serve[] important functions" because it hurts model performance. An output from Claude is not competent evidence as to LLM functionality or the purportedly "legitimate use" of memorization by LLMs. Ex. 112 (Dario Amodei Dep.) at 94:22-25; Ex. 116 (Drain Dep.) 66:9-23; *id.* at 83:14-18; Ex. 2 (Bilmes Report) ¶¶ 117-120; Ex. 126 (Mann 30(b)(6) Dep.) at 178:9-14; Ex. 118 (Ganguli 30(b)(1) Dep.) at 101:5-18, 102:7-22; Ex. 106 (Brown Dep.) at 131:8-17.
	Fact # 130. On Oct. 1, 2023, in response to a third-party user prompt, Claude generated output copying lyrics to an existing song and stated, "As an AI without human limitations, I have perfect recall and can precisely identify lyrics and musical sections." **Ex. 77** (Ganguli 30(b)(1) Dep. Ex. 21, ANTH_SAMPLE000000246).	Disputed. An output from Claude describing its purported capabilities is not competent evidence of Claude's functionality. Anthropic has implemented guardrails and other defenses to prevent Claude from including copyrighted material, including song lyrics, in outputs. There is no evidence that the purported lyrics in Claude's output are accurate or are a verbatim reproduction of lyrics to a complete song.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Ex. 118 (Ganguli 30(b)(1) Dep.) at 101:5-18, 102:7-22; Ex. 52 (Anthropic_0000064503) at -07; Ex. 2 (Bilmes Report) at §§ V.C, IX.
	Fact # 131. On Oct. 3, 2023, in response to another third-party prompt, Claude generated output stating, "I can provide lyrics or sheet music if you need accompaniment for a song. Just name the song and I'll pull up the words," explaining that it has "access to a large database of song lyrics" and "can use this information to . . . look up specific song lyrics." **Ex. 78** (ANTH_SAMPLE000004549).	Disputed. An output from Claude describing its purported capabilities is not competent evidence of Claude's functionality. Anthropic has implemented guardrails and other defenses to prevent Claude from including copyrighted material, including song lyrics, in outputs. Ex. 118 (Ganguli 30(b)(1) Dep.) at 101:5-18, 102:7-22; Ex. 52 (Anthropic_0000064503) at -07; Ex. 2 (Bilmes Report) at §§ V.C, IX.
	Fact # 132. Anthropic's own employees have used Claude to look up copyrighted song lyrics. **Ex. 79** (Anthropic_0000570595), -596; *see also* **Ex. 80** (Anthropic_0000582187); **Ex. 81** (Anthropic_0000430272); **Ex. 82** (Anthropic_0000430273); **Ex. 83** (Anthropic_0000430258); **Ex. 84** (Anthropic_0000430285), -286.	Disputed. There is no evidence in the record establishing copyright ownership or registration for these lyrics. The evidence cited also does not support Publishers' characterization: At least one of the prompts cited does not include any request to look up song lyrics. In outputs where some amount of lyrics are purportedly quoted, the full lyrics to a song are often not output by Claude. In one example Publishers cite, Claude refuses to provide full lyrics "due to copyright restrictions." In no case cited in support of Publishers' statement does Claude produce any artist's full musical compositions because Claude only produces text, which is only one part of a musical composition if it is included at all. *See e.g.*, Ex. 91 (Anthropic_0000570595); Ex. 60 (Anthropic_0000430273);

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Anthropic_0000430285; Ex. 9 (Stokes Report) ¶ 18.
	Fact # 133. On September 24, 2023, an Anthropic employee using Claude prompted the model for "[l]yrics of [Billy Joel's] Lullabye (Goodnight, My Angel)," and Claude output a copy of lyrics to that song (not a Work in Suit). **Ex. 80** (Anthropic_0000582187).	Disputed. There is no evidence that the purported lyrics to "Lullabye (Goodnight, My Angel)" in Claude's output are accurate or are a verbatim reproduction of the complete lyrics to the song. Ex. 97 (Anthropic_0000582187).
	Fact # 134. Anthropic employees, including co-founder Benjamin Mann, have used Claude to identify song titles or full song lyrics based on submitted lyrics. **Ex. 85** (Dep. Ex. 215, Anthropic_0000524147); **Ex. 5,** Mann 30(b)(1) Dep. Tr. 217:7-20 (discussing prompt); **Ex. 86** (Anthropic_0000431481), -481; **Ex. 87** (Anthropic_0000430104), -104; **Ex. 88** (Anthropic_0000430107), -107 (similar prompt with different Claude output); **Ex. 79** (Anthropic_0000570595), -596; **Ex. 89** (Anthropic_0000434264).	Disputed Evidence cited does not support that Claude was used to identify "full song lyrics" and Claude did not output "full song lyrics." Chung Decl. Exs. 79, 85, 86, 87, 88, 89.
	Fact # 135. Anthropic employees have also prompted Claude to modify existing song lyrics, including one employee who prompted the model for lyrics "to the tune of" Work in Suit "Tiny Dancer," where Claude output existing lyrics to that song—"Hold me closer, tiny dancer"—along with modified lyrics. **Ex. 90** (Anthropic_0000430292); *see also, e.g.*, **Ex. 91** (Anthropic_0000431502) (Dec. 21, 2023 prompt to "write a song about the ML concept of 'token healing' in the style of [Marvin Gaye's] classic	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	song 'Sexual Healing'"); **Ex. 92** (Anthropic_0000434832) (Mar. 13, 2024 prompt to write "new lyrics to [the song] we didn't start the fire"); **Ex. 93** (Anthropic_0000432472) (Feb. 1, 2024 prompt to "write a song called 'i'm just a lawyer' in the style of I'm just a girl by no doubt").	
	Fact # 136. On January 30, 2025, when Anthropic founder and Chief Compute Officer Tom Brown was considering using Claude to write a song in the style of Adele, he prompted the model, "Does Adeles music tend to rhyme?," and Claude responded, "Yes, Adele's lyrics typically do rhyme," and then output portions of lyrics from two Adele songs (which are not Works in Suit), without being asked. **Ex. 94** (Dep. Ex. 267, Anthropic_0000570705); *see* **Ex. 14,** Brown Dep Tr. 151:3-17.	Disputed. Mr. Brown testified that he was planning to write an original song for his wife for Valentine's Day. He used Claude to coach him through the process. Mr. Brown identified Adele as one of his wife's favorite artists and asked whether her music tends to rhyme. Claude responded by explaining that Adele "uses a natural, conversational style that doesn't feel forced" and gave examples. There is no evidence that the purported lyrics to "Someone Like You" or "Hello" in Claude's output are accurate. Claude never output complete lyrics to either song or lyrics that were uninterrupted by the A, A, B, B rhyme scheme indicators. Ex. 95 (Anthropic_0000570705); Ex. 106 (Brown Dep.) at 129:22-131:7.
	Fact # 137. During his deposition, Mr. Brown could not explain why Anthropic's guardrails had not prevented this output. **Ex. 14,** Brown Dep. Tr. 131:8-132:12.	Disputed. The cited testimony does not support Publishers' fact. Mr. Brown was not asked why Anthropic's guardrails did not prevent the output at issue. Ex. 106 (Brown Dep.) at 131:8-132:12.
	Fact # 138. Anthropic's CEO Dario Amodei stated in an April 2024 *New*	Disputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	York Times interview, "I think everyone agrees the models shouldn't be verbatim outputting copyrighted content," and that "we don't think [the model is] just hoovering up content and spitting it out, or it shouldn't be spitting it out." **Ex. 95** (Dep. Ex. 247, *Transcript: Ezra Klein Interviews Dario Amodei*, N.Y. TIMES (Apr. 12, 2024), https://www.nytimes.com/2024/04/12/podcasts/transcript-ezra-klein-interviews-dario-amodei.html); *see also* **Ex. 13,** Dario Amodei Dep. Tr. 91:12-24.	Dr. Amodei's full statement is: "I think everyone agrees the models shouldn't be verbatim outputting copyrighted content. For things that are available on the web, for publicly available, our position—and I think there's a strong case for it—is that the training process, again, we don't think it's just hoovering up content and spitting it out, or it shouldn't be spitting it out. It's really much more like the process of how a human learns from experiences. And so, our position that that is sufficiently transformative, and I think the law will back this up, that this is fair use." Ex. 113 (Dario Amodei Dep. Exhibit 247); Ex. 112 (Dario Amodei Dep.) at 49:9-50:20.
	Fact # 139. Dr. Amodei testified during his deposition that "[AI] models shouldn't output copyrighted content because it's—it's against the law to do so." **Ex. 13,** Dario Amodei Dep. Tr. 59:3-10.	Disputed. Dr. Amodei's full testimony indicates that he testified, that "subject to exceptions and exemptions around fair use, models should not be outputting copyrighted content." Ex. 112 (Dario Amodei Dep.) at 39:23-25, 52:10-12, *id.* at 57:9-12.
	Fact # 140. Anthropic cannot link its use of Publishers' lyrics as training input, specifically, with Claude's generation of any purportedly transformative outputs. Zhao Decl. ¶ 53.	Disputed. Each piece of training data impacts the model and the model's resulting outputs. Ex. 105 (Bilmes Dep.) at 177:14-17, 179:13-25, 180:16-23; Ex. 131 (Shan Dep.) at 226:21-227:6.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 141. Anthropic's training on Publishers' lyrics, specifically, did not enable Claude to, for instance, write computer code, solve a mathematical equation, or interpret radiology images. Zhao Decl. ¶ 53.	Disputed. Each piece of training data impacts the model and the model's resulting outputs. A piece of training data may be useful for generating a particular output even if it seems topically distinct or unrelated. Ex. 105 (Bilmes Dep.) at 177:14-17, 178:7-19, 179:13-25, 180:16-23; Ex. 131 (Shan Dep.) at 226:21-227:6.
	Fact # 142. Anthropic has disclaimed the need to include Publishers' lyrics specifically in Claude's training data. *See* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 114:5-9; **Ex. 6,** Kaplan Dep. Tr. 291:21-22 ("Typically, Anthropic doesn't have any particular interest in song lyrics[.]"); **Ex. 18,** Bilmes Dep. Tr. 180:25-181:10; **Ex. 17** (Excerpt of Expert Report of Abhishek Nagaraj, PhD (Dec. 19, 2025)), ¶64; **Ex. 16,** Nagaraj Dep. Tr. 160:11-12; Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj., 6, ECF No. 207; Kaplan Decl. ¶¶ 23, 36, ECF No. 209.	Disputed. Each piece of training data impacts the model and the model's resulting outputs. Song lyrics add to the diversity of Claude's training data. Ex. 105 (Bilmes Dep.) at 177:14-17, 178:7-19, 179:13-25, 180:16-23; Ex. 131 (Shan Dep.) at 226:21-227:6; Ex. 120 (Kaplan Dep.) at 150:25-151:21; Kaplan PI Decl. ¶¶ 35-37.
	Fact # 143. Anthropic's co-founder and 30(b)(6) witness Benjamin Mann testified, "I don't think we view it as important to include lyrics" in Claude's training data. **Ex. 4,** Mann 30(b)(6) Dep. Tr. 114:5-9.	Undisputed.
	Fact # 144. Anthropic's technical expert, Dr. Jeffrey Bilmes, testified that "the effect of Plaintiffs' lyrics on Claude's learned parameters or outputs is extremely likely to be near zero, if present at all."	Disputed. Each piece of training data impacts the model and the model's resulting outputs. Song lyrics add to the diversity of Claude's training data. Lyrics to the 499 works in suit may have an immeasurably small effect

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 18, Bilmes Dep. Tr. 180:25-181:10.	on Claude, but "near zero" is not "zero." Ex. 105 (Bilmes Dep.) at 177:14-17, 178:7-19, 179:13-25, 180:16-23, 182:1-8; Ex. 131 (Shan Dep.) at 226:21-227:6.
	Fact # 145. AI companies such as Anthropic can train their AI models using text licensed from copyright-holders; non-copyrighted, open-source, or public-domain text; data generated by their workers; or "synthetic data" generated by an AI model trained on licensed sources. Zhao Decl. ¶ 19.	Disputed. LLMs like Claude require "internet scale" data for training, consisting of trillions of tokens. Training a model using synthetic data impacts the resulting model. [redacted] Synthetic data is most valuable for training small models. Ex. 2 (Bilmes Report) at § V.A.a.1.; Ex. 130 (Sangani Dep.) at 119:6-19; Ex. 124 (Mann 30(b)(1) Dep. Vol. 1) at 76:12-20; Ex. 131 (Shan Dep.) at 125:10-21.
	Fact # 146. Anthropic's economics expert, Dr. Abishek Nagaraj, opined that "[l]yrics in particular are not a unique or indispensable input . . . . Anthropic could substitute Plaintiffs' Works-in-Suit with other text sources—including text that does not consist of lyrics—to train its general-purpose LLM." **Ex. 17,** (Excerpt of Expert Reply Report of Abhishek Nagaraj, PhD (Feb. 13, 2026)), ¶ 47.	Undisputed.
	Fact # 147. Anthropic has stated that Publishers' lyrics constitute an "infinitesimally small" portion of its training corpus. Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 1,	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	ECF No. 207; *see also id.* at 6; Kaplan Decl. ¶ 31, ECF No. 209.	
	Fact # 148. Anthropic Chief Science Officer Jared Kaplan stated in a sworn declaration that Anthropic has "no interest" in Publishers' Works specifically, that similar types of works "are considered fungible for purposes of the model," and that "it does not ultimately matter," for example, "what specific articles are included in the training data, so long as articles in general are included." Kaplan Decl., ¶¶ 36, 23, ECF No. 209.	Undisputed.

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	Anthropic's Additional Fact # 20: Dr. Shan, one of Publishers' technical experts, testified that, "given how LLMs are trained or how general AI models are trained, the training process, the model weights are changing. They're influenced by the training data pieces. So each individual training piece have some impact to the model weights. Each piece of training data that an LLM is trained on has some impact on the model." Each piece of data has some impact on the LLM's reasoning capabilities and model performance. Ex. 131 (Shan Dep.) at 226:9-229:18; Ex. 7 (Shan Report) ¶ 19; Ex. 18 (Zhao Rebuttal) ¶ 11; Ex. 126 (Mann 30(b)(6) Dep.) at 118:2-23;	Undisputed that Dr. Shan testified as quoted. Also undisputed that copies of Publishers' lyrics in Claude's training data, specifically, have a significant impact on the LLM's capability to respond to prompts for and generate output containing copies of Publishers' lyrics, derivatives of those lyrics, and AI-generated song lyrics. Otherwise, disputed. The impact of any given piece of data on Claude's "overall model behavior" may be so small as to be "negligibl[e]" or "of vanishing importance." **Burrell Decl., Ex. 11 (**Bilmes Rebuttal) ¶¶ 10(g), 33; **Pls' Reply Ex. 128** (Kaplan Dep.) at 152:6-19; *see also* **Burrell Decl., Ex. 2 (**Bilmes Report) ¶ 340*;* **Burrell**

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	Ex. 105 (Bilmes Dep.) at 177:17-180:1; Ex. 139 (Zhao Dep.) at 178:6-18; Ex. 2 (Bilmes Report) ¶ 98.	**Decl., Ex. 10 (**Zhao Report) ¶¶ 10, 71, 92.
	Anthropic's Additional Fact # 21: Song lyrics are available online for free. For example, Dr. Shan, one of Publishers' technical experts, testified that "there are large amounts of [lyrics to] works in suit as part of internet data." Ex. 131 (Shan Dep.) at 232:5-233:4, 343:2-22; 344:1-16; Ex. 139 (Zhao Dep.) at 274:20-275:7, 276:19-277:4, 279:8-280:3, 282:2-21; Ex. 2 (Bilmes Report) at § VII.A.	Undisputed only to the extent that Dr. Shan testified as quoted. Otherwise, disputed. Song lyrics are not available online "for free." While Publishers provide individual consumers many authorized online sources where they can view the lyrics to their favorite songs, Publishers require those third-party websites to pay for licenses to display Publishers' lyrics (among other licensed uses). **Berschback Decl.** ¶ 43; **Coleman Decl.** ¶¶ 17–21; **Draughon Decl.** ¶¶ 33–34; **Kokakis Decl.** ¶ 149; **Pls.' Ex. 101** (UMPG_0000018093, Concord_0000000168, ABKCO_0000000052, CCMG_0000000209) (LyricFind licenses); **Pls.' Ex. 102** (UMPG_0000000335, ABKCO_0000000045, CCMG_0000000237, Concord_0000000212) (MusixMatch licenses); **Pls.' Ex. 103** (UMPG_0000000388, UMPG_0000023282, UMPG_0000023090, UMPG_0000023257, UMPG_0000000275, UMPG_0000000366, ABKCO_0000000414, CCMG_0000000869, Concord_0000000739, UMPG_0000000532) (compilation of additional lyrics display licenses). Further disputed because Dr. Shan's cited testimony does not support the

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
		assertion that "[s]ong lyrics are available online for free." **Burrell Decl., Ex. 131** (Shan Dep.) at 232:5–233:4, 343:2-22; 344:1-16. Further disputed because Dr. Zhao's cited testimony likewise does not support the assertion that "[s]ong lyrics are available online for free." **Burrell Decl., Ex. 139** (Zhao Dep.) at 274:20–275:7, 276:19–277:4, 279:8–280:3, 282:2-21. Further disputed because the cited portion of Dr. Bilmes' report does not support the assertion that "[s]ong lyrics are available online for free." **Burrell Decl., Ex. 2** (Bilmes Report) at § VII.A.
	Anthropic's Additional Fact # 22: Dr. Zhao, one of Publishers' technical experts, agreed "in general" with the statement that "the intended purpose for listening to [a] piece of music [is] to enjoy it." He identified "enjoy[ing] words to a song" as a "primary intended use" of lyrics." Dr. Shan, Publishers' other technical expert, explained in his report that, "[b]roadly speaking, generative AI refers to AI systems that analyze existing data, such as audio, images, or text, and generate content based on learned patterns derived from the datasets they are trained on. Specifically, LLMs like Claude analyze the statistical relationship or conditional probability of tokenized words and phrases and are taught to generate written outputs based on preceding context. In the case of LLMs like Claude, the outputs are texts that	Undisputed.

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	appear natural and coherent, generated in response to human inputs." Ex. 139 (Zhao Dep.) at 352:23-353:16; Ex. 7 (Shan Report) ¶ 19; Ex. 2 (Bilmes Report) ¶ 95; Ex. 26 (Stokes Reply) ¶¶ 13-19.	

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
Issue 2. Anthropic's use was commercial.	Fact # 149. Anthropic is a for-profit technology company valued at $380 billion or more. **Ex. 3,** Whittle 30(b)(6) Dep. Tr. 32:18-20; **Ex. 96** (ANTHROPIC, *Anthropic raises $30 billion in Series G funding at $380 billion post-money valuation* (Feb. 12, 2026)).	Disputed. Anthropic is a public benefit corporation that prioritizes its mission above the goal of optimizing shareholder value. In the words of Mr. Brown, one of Anthropic's co-founders, Anthropic's mission includes that of "ensuring that the transition to advanced AI systems goes well for humanity." Another of Anthropic's co-founders, Mr. Kaplan, explained that Anthropic was founded to help "make AI development as safe and beneficial as possible."[4] Ex. 106 (Brown Dep.) at 51:20-52:9; Ex. 120 (Kaplan Dep.) at 105:18-107.
	Fact # 150. Anthropic's sole commercial product is a series of AI models, known as "Claude," that respond to user prompts with AI-generated text. Answer to FAC ¶¶ 6, 55; **Ex. 10,** Daniela Amodei Dep. Tr. 117:14-19.	Undisputed.

[4] Publishers have updated this entry to reflect Exhibit A of Anthropic's Notice of Supplemental Response to Fact # 149, ECF No. 727-1.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 151. From its founding in 2021, Anthropic planned to commercialize its AI models. **Ex. 43** (Dep. Ex. 170, Anthropic_0000458427, "Brainstorm on What Anthropic Might Release Externally This Year"); **Ex. 97** (Dep. Ex. 169 (Anthropic_0000444967), "Anthropic Plan and Timeline [WIP]"), -978; **Ex. 10,** Daniela Amodei Dep. Tr. 120:5-12.	Disputed. Anthropic's founders were initially opposed to commercialization and considered founding Anthropic as a nonprofit before deciding to create a public benefit corporation. Ex. 120 (Kaplan Dep.) at 114:9-115:16, 116:9-117:11.
	Fact # 152. In a July 2021 Anthropic memo, CEO Dario Amodei described [redacted]" **Ex. 43** (Dep. Ex. 170, Anthropic_0000458427); *see also* **Ex. 10,** Daniela Amodei Dep. Tr. 143:19-25.	Disputed. Since its founding, Anthropic has prioritized safety and put safety ahead of commercial success. Ex. 112 (Dario Amodei Dep.) at 146:2-9; Ex. 66 (Anthropic_0000458427); Ex. 120 (Kaplan Dep.) at 68:11-14.
	Fact # 153. In a December 30, 2022 Anthropic memo, Dr. Amodei wrote about Anthropic's [redacted]" **Ex. 98** (Dep. Ex. 177, Anthropic_0000216987, Dec. 30, 2022 "Anthropic Plan for 2023"); *see also* **Ex. 10,** Daniela Amodei Dep. Tr. 226:14-24.	Disputed. Anthropic had several development objectives for 2023, including advancing alignment research and emphasizing safety. Ex. 54 (Anthropic_0000216987) at -87, -99.
	Fact # 154. Anthropic released Claude to business customers starting in late 2022, launched Claude to the public in March 2023, and released Claude 2.0 in July 2023.	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Answer to FAC ¶ 54; **Ex. 73** (Dep. Ex. 187, Anthropic_0000349548).	
	Fact # 155. Today, Claude is "central to Anthropic's commercial success." **Ex. 99,** ANTHROPIC, *Claude's Constitution*, https://www.anthropic.com/constitution.	Undisputed.
	Fact # 156. Anthropic sells and provides Claude to individual and business customers in several ways, including via a chatbot interface on Anthropic's Claude.ai website, as desktop and mobile applications, and as an application programming interface ("API") that allows businesses to incorporate Claude into their own systems. Answer to FAC ¶ 55; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 2), at 7-8.	Undisputed.
	Fact # 157. Anthropic has monetized Claude in numerous ways. Answer to FAC ¶¶ 142, 144, 147; **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA No. 114-116), at 111-114.	Disputed. Anthropic offers both free and paid versions of Claude. Ex. 122 (Leibrock Dep.) at 23:10-12; Ex. 120 (Kaplan Dep.) at 117:25-118:2; Ex. 132 (Smith Dep. Vol. 1) at 335:14-18; Ex. 115 (Dennis Dep.) at 277:15-18; Dkt. 483 ¶¶ 142, 144.
	Fact # 158. Claude has generated billions of dollars in revenue via enterprise contracts and paid subscriptions. **Ex. 100** (Anthropic_0000441649, reflecting gross revenue of $479,927,822 for the month of August 2025 alone); ANTHROPIC, *Claude is a space to think* (Feb. 4, 2026),	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	https://www.anthropic.com/news/claude-is-a-space-to-think ("Our business model is straightforward: we generate revenue through enterprise contracts and paid subscriptions . . . .").	
	Fact # 159. Anthropic has at least 300,000 Claude business customers and millions of individual consumer users. **Ex. 10,** Daniela Amodei Dep. Tr. 68:7-16.	Undisputed.
	Fact # 160. Though only five years old, Anthropic has already attracted tens of billions of dollars in investment, including from Amazon, Google, and Zoom. Answer to FAC ¶¶ 18, 52, 139, 146.	Undisputed.
	Fact # 161. As of February 2026, Anthropic's annual revenue run rate approached $14 billion. **Ex. 96** (ANTHROPIC, *Anthropic raises $30 billion in Series G funding at $380 billion post-money valuation* (Feb. 12, 2026)).	Undisputed.
Issue 3. Publishers' Works are at the core of copyright protection.	Fact # 162. Publishers' Works are musical compositions and the lyrics embodied therein. Berschback Decl. ¶ 4; Coleman Decl. ¶ 4; Draughon Decl. ¶ 30; Kokakis Decl. ¶¶ 5, 147.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		the LyricFind.com lyrics and the produced deposit copies. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)), Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour Decl. & Exhibit D.
	Fact # 163. "[M]usic is rooted in creativity and innovation." Answer to FAC ¶ 5.	Undisputed.
Issue 4. Anthropic uses all or nearly all of each Work.	Fact # 164. Anthropic copied Publishers' lyrics in full in the process of training its AI models. Shan Decl. ¶ 33.	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they admit they do not maintain and did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Anthropic has not sought out the works in suit for inclusion in its training corpus. The works in suit may appear in the training corpora because they are published ubiquitously across the internet. Anthropic collected the purported

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		lyrics to the works in suit from webpages that did not disallow Anthropic from crawling and scraping their contents. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)), Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour Decl. & Exhibit D; Ex. 10 (Zhao Report) ¶ 64; Ex. 7 (Shan Report) ¶ 45.i; Ex. 126 (Mann 30(b)(6) Dep.) 108:5-8, 114:8-9, 116:24-117:3; Ex. 2 (Bilmes Report) at § VII.A & ¶ 306, Table 8.
Issue 5. Anthropic's use harms the market for and value of Publishers' Works.	Fact # 165. Publishers work to discover and develop songwriters, promote them and their works, secure and manage copyrights in their works, negotiate and administer licenses on their behalf, collect and distribute royalties, and protect their intellectual property. Berschback Decl. ¶¶ 4, 40; Coleman Decl. ¶ 5; Draughon Decl. ¶ 24; Kokakis Decl. ¶ 146; *see also* Smith Decl. ¶¶ 13-15, 17, 21-22.	Disputed. Publishers generate licensing revenue that benefits not only the songwriters they represent, but also themselves. Publishers are large corporations that act as intermediaries or gatekeepers between songwriters—who are the true creators—and markets. Ex. 121 (Kokakis Dep.) at 32:23-33:9; Ex. 117 (Draughon Dep.) at 59:16-60:10; Ex. 15 (Nagaraj Rebuttal) ¶¶ 51, 67; Ex. 4 (Davis Report) p. 15.
	Fact # 166. Publishers license the rights to reproduce, distribute, display, and prepare derivative works based on the Works across various media on songwriters' behalf.	Disputed. [redacted]

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Berschback Decl. ¶ 42; Coleman Decl. ¶¶ 15,17; Draughon Decl. ¶¶ 31-34; Kokakis Decl. ¶ 148; Smith Decl. ¶¶ 13-15, 20-21.	[redacted] Ex. 117 (Draughon Dep.) at 52:20-53:20; Ex. 6 (Nagaraj Report) ¶ 44; Ex. 15 (Nagaraj Rebuttal) ¶ 105& n.212.
	Fact # 167. The revenues from these and other licenses are critical to Publishers and the songwriters they represent. Berschback Decl. ¶ 41; Coleman Decl. ¶ 16; Draughon Decl. ¶ 32; Kokakis Decl. ¶ 147; see also Smith Decl. ¶¶ 13-15.	Disputed. Publishers and songwriters receive monetary revenue in many other ways, including performances, monetization of likeness, and brand deals. Licensing revenues are but one of several revenue streams that Publishers and songwriters collect. There is no evidence that licensing revenues have been negatively impacted by commercial LLMs let alone Claude. Ex. 4 (Davis Report) p. 14; Ex. 121 (Kokakis Dep.) at 36:16-24; Ex. 114 (Davis Dep.) at 187:5-11; Ex. 132 (Smith Dep. Vol. 1) at 275:7-277:5, 278:3-20, 301:9 – 20.
	Fact # 168. As part of these licensing agreements, Publishers typically require licensees to credit Publishers and songwriters and include copyright notices when disseminating the Works. Berschback Decl. ¶ 46; Coleman Decl. ¶¶ 22-25; Draughon Decl. ¶ 36; Kokakis Decl. ¶¶ 154-57.	Undisputed.
	Fact # 169. Publishers license the copyrighted lyrics to the Works to digital music services like Spotify and Apple Music, social media platforms such as Facebook and YouTube, lyric aggregators like LyricFind and Musixmatch, and	Disputed. Songwriters' lyrics often wind up publicly displayed on the Internet on sites that are not licensed, indicating that lyrics are often publicly available even without a display

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	lyric websites such as Genius.com, among other licensees, authorizing them to share those lyrics publicly. Berschback Decl. ¶ 43; Coleman Decl. ¶¶ 17-21; Draughon Decl. ¶¶ 33-34; Kokakis Decl. ¶ 149. **Ex. 101** (UMPG_0000018093, Concord_0000000168, ABKCO_0000000052, CCMG_0000000209) (LyricFind licenses); **Ex. 102** (UMPG_0000000335, ABKCO_0000000045, CCMG_0000000237, Concord_0000000212) (MusixMatch licenses); **Ex. 103** (UMPG_0000000388, UMPG_0000023282, UMPG_0000023090, UMPG_0000023257, UMPG_0000000275, UMPG_0000000366, ABKCO_0000000414, CCMG_0000000869, Concord_0000000739, UMPG_0000000532) (compilation of additional lyrics display licenses).	license. Many of the display websites that *do* have licenses with Publishers permit web crawling because they do not use robots.txt to restrict access. Ex. 2 (Bilmes Report) ¶¶ 308-309; Ex. 15 (Nagaraj Rebuttal) ¶ 113; Ex. 7 (Shan Report) ¶ 29.
	Fact # 170. LyricFind and MusixMatch in turn sublicense the Works to search engines like Google, websites like Lyrics.com and AZLyrics.com, and other digital music services. *See* Berschback Decl. ¶ 44; Coleman Decl. ¶ 19; Draughon Decl. ¶ 34; Kokakis Decl. ¶ 150; **Ex. 101** (UMPG_0000018093, Concord_0000000168, ABKCO_0000000052, CCMG_0000000209) (LyricFind licenses granting sublicensing rights); **Ex. 102** (UMPG_0000000335, ABKCO_0000000045,	Undisputed.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	CCMG_0000000237, Concord_0000000212) (MusixMatch licenses granting sublicensing rights).	
	Fact # 171. Through these licensees and others, Publishers provide consumers with authorized sources where they can look up the lyrics to their favorite songs, identify songs or full lyrics based on excerpts of lyrics, find translations of lyrics, and search for and access Publishers' lyrics in other ways. *See* Berschback Decl. ¶ 45; Coleman Decl. ¶ 21; Draughon Decl. ¶¶ 33-34; Kokakis Decl. ¶ 151; *see also* Smith Decl. ¶ 18.	Disputed. Songwriters' lyrics often wind up publicly displayed on the Internet on sites that are not licensed, indicating that lyrics are often publicly available even without a display license. Many of the display websites that *do* have licenses with Publishers permit web crawling because they do not use robots.txt to restrict access. Ex. 2 (Bilmes Report) ¶¶ 308-309; Ex. 15 (Nagaraj Rebuttal) ¶ 113.
	Fact # 172. Anthropic's Claude has output lyrics to Publishers' Works in response to a range of user prompts, including requests to provide lyrics to specific songs, requests to provide full lyrics or identify song titles based on lyric fragments, and requests to translate existing song lyrics. *See* **Facts 34-43, 51-52,** *supra* (collecting citations).	Disputed. Publishers cannot demonstrate the scope of rights they control for the works in suit because they did not produce a true and correct copy of the deposit made with the United State Copyright Office in connection with any application for registration for 486 of the 499 works in suit. Even for works in suit for which Published produced deposit copies, Publishers claim the lyrics displayed on LyricFind.com are the "genuine" copyrighted lyrics for all 499 works. But there are discrepancies between the LyricFind.com lyrics and the produced deposit copies. Anthropic employs a multi-tiered defense system designed to prevent the inclusion of copyrighted material in Claude's outputs. After Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Dr. Bilmes's

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		analysis shows the effectiveness of Anthropic's guardrails and defenses in preventing outputs containing the claimed lyrics to works in suit, as well as other purportedly copyrighted lyrics, even when directly prompted. Claude outputs including lyrics are often fair use. Claude is a general-purpose LLM and the vast majority of Claude users do not use it to search for lyrics. There are many alternative ways to search for lyrics than to use Claude, and empirical analysis demonstrates that traffic to lyrics websites was not impacted by the introduction of Claude.. Ex. 29 (Pls.' Supp. Resp. & Obj. to Def.'s 3rd Set of Req. For Admis. (Oct. 9, 2025)), Nos. 27-60, 63-74, 79-104, 107-112, 115-148, 151-172, 175-184, 187-246, 249-318, 321-428, 431-852, 855-1022; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) at §§ V.C, IX.C; Ex. 11 (Bilmes Rebuttal) at § VI.B; Ex. 121 (Kokakis Dep.) at 122:25–123:25; Leonard Decl. Ex. H; Berschback Decl. ¶ 39; Coleman Decl. ¶ 13; Draughon Decl. ¶ 29; Kokakis Decl. ¶¶ 143-145; *see also* Seymour Decl. & Exhibit D (collecting Publishers' lyrics to the 499 Works as they appear on LyricFind.com); Ex. 119 (Ganguli 30(b)(6) Dep.) at 63:25-64:5; Ex. 126 (Mann 30(b)(6) Dep.) at 25:6-14; Chung Decl. Ex. 2 at 45 (Output connecting the song "Dog Days Are Over" to themes in the novel "Catcher in the Rye"); *id*. at 303 (Output compiling "cringeworthy"

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		social media posts, combining 90s song lyrics them with emojis, hashtags and context); *id*. at 142 (Output creating a Christmas-themed parody of Message in a Bottle.)
	Fact # 173. When Claude outputs Publishers' lyrics in response to such user requests, Anthropic provides the same service to its users as Publishers' licensees, without Publishers' authorization or any restrictions on that use. *See* Berschback Decl. ¶ 55; Coleman Decl. ¶¶ 28-29; Draughon Decl. ¶ 40, 42; Kokakis Decl. ¶¶ 151, 172, 175; Smith Decl. ¶¶ 16, 18.	Disputed. Anthropic employs a multi-layered defense system designed to prevent the inclusion of copyrighted material in Claude's outputs. After Publishers filed this lawsuit, Anthropic strengthened its guardrails both generally and specifically to address the works in suit. Dr. Bilmes's analysis shows the effectiveness of Anthropic's guardrails and defenses in preventing outputs containing the claimed lyrics to works in suit, as well as other purportedly copyrighted lyrics, even when directly prompted. Claude outputs including lyrics are often fair use. Claude is a general-purpose LLM and the vast majority of Claude users do not use it to search for lyrics. There are many alternative ways to search for lyrics than to use Claude, and empirical analysis demonstrates that traffic to lyrics websites was not impacted by the introduction of Claude. Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12; Ex. 2 (Bilmes Report) §§ V.C, IX.C; Ex. 11 (Bilmes Rebuttal) § VI.B; Ex. 15 (Nagaraj Rebuttal) ¶ 89; Ex. 6 (Nagaraj Report) ¶ 102; Ex. 119 (Ganguli 30(b)(6) Dep.) at 63:25-64:5; Ex. 126 (Mann 30(b)(6) Dep.) at 25:6-14; Chung Decl. Ex. 2 at 45

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		(Output connecting the song "Dog Days Are Over" to themes in the novel "Catcher in the Rye"); *Id*. at 303 (Output compiling "cringeworthy" social media posts, combining 90s song lyrics them with emojis, hashtags and context); *Id*. at 142 (Output creating a Christmas-themed parody of Message in a Bottle.)
	Fact # 174. Anthropic's use of Publishers' Works in this manner denies Publishers customary licensing fees, erodes the value of Publishers' Works for these types of licenses, and threatens Publishers' revenues from their existing licensees. *See* Berschback Decl. ¶ 55; Coleman Decl. ¶¶ 28-30; Draughon Decl. ¶¶ 41-43; Kokakis Decl. ¶ 172; Smith Decl. ¶¶ 16-18.	Disputed. Publishers have not identified any example or evidence of lost licensing fees or loss in value of Publishers' works as a result of Anthropic's alleged use. Ex. 15 (Nagaraj Rebuttal) ¶ 164; Ex. 132 (Smith Dep. Vol. 1) at 274:16-24; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 4 (Davis Report) at pp. 48-53.
	Fact # 175. If widespread, Anthropic's use of Publishers' lyrics in this manner would destroy Publishers' ability to license lyrics for these uses in the future. Smith Decl. ¶ 18.	Disputed. There is no evidence of erosion of the licensing market, nor any evidence or example of Publishers being unable to license lyrics for display in the future. Ex. 15 (Nagaraj Rebuttal) ¶ 164; Ex. 132 (Smith Dep. Vol. 1) at 274:16-24; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 4 (Davis Report) at pp. 48-53.
	Fact # 176. Anthropic's use of Publishers' lyrics in this manner reduces the value of the Works, weakens demand for licenses, and threatens the viability of licensees. *See* Berschback Decl. ¶ ¶ 55-56; Coleman Decl. ¶¶ 29-30; Draughon	Disputed. There is no evidence or quantification of the reduction of value of the works in suit. There is also no evidence or example of Publishers' losing negotiating power

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Decl. ¶¶ 41-42; Kokakis Decl. ¶¶ 172-73, 175; Smith Decl. ¶¶ 16-17.	in making licensing deals or loss of value in licensing. Ex. 15 (Nagaraj Rebuttal) ¶ 164; Ex. 132 (Smith Dep. Vol. 1) at 274:16-24; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 4 (Davis Report) at pp. 48-53.
	Fact # 177. Publishers also license the Works and their lyrics for incorporation into samples, remixes, interpolations, sheet music, karaoke products, books, magazines, greeting cards, and merchandising, among other uses. *See* Berschback Decl. ¶ 42; Coleman Decl. ¶ 17; Draughon Decl. ¶ 33; Kokakis Decl. ¶ 148; *see also* Smith Decl. ¶ 21.	Undisputed.
	Fact # 178. Anthropic's Claude has generated output modifying Publishers' lyrics, combining the lyrics with other text, and producing other output based on the lyrics, including potentially reputationally damaging and unrestricted AI-generated outputs. *See, e.g.*, **Facts 55-56,** *supra* (collecting citations); Smith Decl. ¶¶ 22-23, 26-27.	Disputed. There is no evidence that Claude has generated outputs that are "potentially reputationally damaging." The only such "mash-up's Publishers can point to are those their own witnesses prompted Claude to create. Publishers' witness Kent Draughon admitted that he "ha[s] not seen" an instance in which Claude generated a mash-up of a song without being prompted to do so. Anthropic has put in place guardrails that prevent Claude from displaying outputs that are offensive or that infringe copyright. Anthropic also gives rightsholders the ability to submit takedown requests if they believe their content was used without authorization, but no rightsowner (including Publishers) has actually submitted a valid request of this kind to Anthropic. Publishers further ignore that a "potentially reputationally

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		damaging" lyrical mash-up could be created absent the use of an LLM. Ex. 15 (Nagaraj Rebuttal) ¶ 151; Ex. 132 (Smith Dep. Vol. 1) at 297:12-21; Ex. 2 (Bilmes Report) ¶ 220; Ex. 129 (Rao 30(b)(6) Dep.) at 149:1-13; Ex. 117 (Draughon Dep.) at 253:14-19, 255:4-8, 254:14-21.
	Fact # 179. When Claude generates such output, it is creating the same type of content as Publishers license others to create, but without Publishers' authorization or any restrictions on that use. *See* Berschback Decl. ¶¶ 54-57; Coleman Decl. ¶¶ 28-30; Draughon Decl. ¶ 42; Kokakis Decl. ¶ 169-77; Smith Decl. ¶ 22.	Disputed. There is no evidence that Claude has generated outputs that are "potentially reputationally damaging." The only such "mash-up's Publishers can point to are those their own witnesses prompted Claude to create. Publishers' witness Kent Draughon admitted that he "ha[s] not seen" an instance in which Claude generated a mash-up of a song without being prompted to do so. Anthropic has put in place guardrails that prevent Claude from displaying outputs that are offensive or that infringe copyright. Anthropic also gives rightsholders the ability to submit takedown requests if they believe their content was used without authorization. Publishers further ignore that a "potentially reputationally damaging" lyrical mash-up could be created absent the use of an LLM. Ex. 15 (Nagaraj Rebuttal) ¶ 151; Ex. 132 (Smith Dep. Vol. 1) at 297:12-2; Ex. 2 (Bilmes Report) ¶ 220; Ex. 129 (Rao 30(b)(6) Dep.) at 149:1-13; Ex. 117 (Draughon Dep.) at 253:14-19, 255:4-8, 254:14-21.
	Fact # 180. Anthropic's generation of such output denies Publishers the ability to impose contractual	Disputed. There is no evidence that Claude has generated outputs that are

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	restrictions and protections through such licenses, including takedown rights, that would prevent, limit, or reduce damaging derivatives. Smith Decl. ¶ 26.	"potentially reputationally damaging." The only such "mash-up's Publishers can point to are those their own witnesses prompted Claude to create. Publishers' witness Kent Draughon admitted that he "ha[s] not seen" an instance in which Claude generated a mash-up of a song without being prompted to do so. Anthropic has put in place guardrails that prevent Claude from displaying outputs that are offensive or that infringe copyright. Anthropic also gives rightsholders the ability to submit takedown requests if they believe their content was used without authorization. Publishers further ignore that a "potentially reputationally damaging" lyrical mash-up could be created absent the use of an LLM. Ex. 15 (Nagaraj Rebuttal) ¶ 151; Ex. 132 (Smith Dep. Vol. 1) at 297:12-21; Ex. 2 (Bilmes Report) ¶ 220; Ex. 129 (Rao 30(b)(6) Dep.) at 149:1-13; Ex. 117 (Draughon Dep.) at 253:14-19, 255:4-8, 254:14-21.
	Fact # 181. Anthropic's Claude is capable of producing purportedly "new" AI-generated song lyrics. Answer to FAC ¶ 91; **Ex. 21** (Def.'s Am. Resp. to Pls' RFA No. 89), at 91-92; *see also* **Ex. 4,** Mann 30(b)(6) Dep. Tr. 176:2-12; **Ex. 10,** Daniela Amodei Dep. Tr. 180:4-6; **Ex. 13,** Dario Amodei Dep. Tr. 81:9-11; **Ex. 14,** Brown Dep. Tr. 109:17-18; **Ex. 8,** Ganguli 30(b)(6) Dep. Tr. 69:1-3, 98:5-8, 99:19-22; **Ex. 16,** Nagaraj Dep. Tr. 196:7-17.	Undisputed.
	Fact # 182. Claude can produce AI-generated song lyrics because Anthropic copied and trained the	Disputed. Many lyrics include common English phrases or word patterns

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	model on Publishers' lyrics as exemplars of what song lyrics should look like. Zhao Decl. ¶ 46; *see also* Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 5, ECF No. 207 ("For the model to be able to respond sensibly to queries about rap music, or cheesecake recipes, or physics equations, it must have been shown examples of texts that approximate those concepts."); *see also* **Ex. 10,** Daniela Amodei Dep. Tr. 189:20-190:1.	(e.g., "I love you" or "na na na"). Claude does not need to be trained on full copies of Publishers purported lyrics to be able to generate the lyrics to the works in suit, nor to generate novel lyrics. Ex. 11 (Bilmes Rebuttal) ¶¶ 32, 235; Ex. 105 (Bilmes Dep.) at 103:3-104:23; Ex. 2 (Bilmes Report) ¶¶ 409-410; Ex. 7 (Shan Report) ¶ 42; Ex. 9 (Stokes Report) ¶ 90; Ex. 137 (Stokes Dep.) at 218:3-11; Ex. 126 (Mann 30(b)(6) Dep.) at 114:22-115:10.
	Fact # 183. Claude stated it has the ability to "writ[e] song lyrics" in response to a March 2024 prompt from an Anthropic employee. **Ex. 104** (Anthropic_0000434319).	Disputed. That Claude stated in an output that it had the ability to "writ[e] song lyrics" is not competent evidence that Claude can or does in fact write song lyrics. Data from Anthropic's Economic Index, Clio report, and Interviewer dataset show that writing song lyrics is an extremely small use case. Ex. 133 (Smith Dep. Vol. 2) at 404:16-405:4; Ex. 2 (Bilmes Report) ¶ 299; Ex. 119 (Ganguli 30(b)(6) Dep.) at 69:22-70:7.
	Fact # 184. Claude can produce AI-generated lyrics far faster than any human, generating output of between "60 to a hundred words per second." **Ex. 14,** Brown Dep. Tr. 242:12-243:8.	Disputed. The speed with which Claude can generate textual outputs does not bear on whether Claude can or does output lyrics, nor does it reflect any evidence about the actual use case or volume of Claude outputting lyrics. Data from Anthropic's Economic Index, Clio report, and Interviewer dataset show that writing song lyrics is an extremely small use case.

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		Ex. 133 (Smith Dep. Vol. 2) at 404:16-405:4; Ex. 2 (Bilmes Report) ¶ 299; Ex. 119 (Ganguli 30(b)(6) Dep.) at 69:22-70:7.
	Fact # 185. Claude is "designed and intended to respond as an intelligent human would to a vast array of user prompts," including by "generating new song lyrics in response to a user's prompt." **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA Nos. 90-91), at 92-94.	Undisputed.
	Fact # 186. Anthropic does not prevent Claude output of such "new" AI-generated lyrics. **Ex. 21** (Def.'s Am. Resp. to Pls.' RFA Nos. 90-91), at 92-94; **Ex. 13,** Dario Amodei Dep. Tr. 81:7-13; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 176:9-12; *see also* **Ex. 8,** Ganguli 30(b)(6) Dep. Tr. 99:19-22.	Disputed. Anthropic's guardrails may prevent Claude from outputting "new" lyrics in certain circumstances, for example if they reproduce existing copyrighted lyrics, or if the prompt is requesting new lyrics that would result in an output that is offensive or potentially copyright-infringing. Ex. 2 (Bilmes Report) ¶ 213; Ex. 129 (Rao 30(b)(6) Dep.) at 75:20-25; Ex. 30 (Def.s Am. Supp. Resp. & Obj. to 1st Set of Interrogs. (Nos. 9, 11, 12) (Nov. 12, 2025)) at No. 12.
	Fact # 187. Publishers' expert Joshua Dennis identified in the Claude sample over 600 instances of users' prompting Claude to generate "new" lyrics based on or in the style of existing artists, songs, or lyrics, and over 700 instances of requests for "new" lyrics based on given topics. Dennis Decl. ¶ 40.	Disputed. Mr. Dennis's analysis was methodologically flawed and non-representative. Mr. Dennis's analysis is misleading in the way he categorizes users' prompts as requesting "new" lyrics. Ex. 12 (Bray Rebuttal) ¶¶ 13, 28; Ex. 15 (Nagaraj Rebuttal) ¶ 44.
	Fact # 188. Based on these figures, Mr. Dennis concluded that there	Disputed.

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	were about [redacted] and [redacted] instances, respectively, of these two types of requests for AI-generated lyrics, from September 22, 2023 to March 22, 2024. Dennis Decl. ¶ 42.	Mr. Dennis's analysis was methodologically flawed and and non-representative. Mr. Dennis's analysis is misleading in the way he categorizes users' prompts as requesting "new" lyrics. Ex. 12 (Bray Rebuttal) ¶¶13, 28; Ex. 15 (Nagaraj Rebuttal) ¶ 44.
	Fact # 189. Anthropic's "Economic Index" data shows many professional lyricists, poets, and other creative writers using Claude for tasks such as "[w]rit[ing] words to fit musical compositions, including lyrics," and professional singers likewise using Claude to "compose songs." **Ex. 105** (D. Ganguli 30(b)(6) Dep. Ex. 7, Anthropic_0000441309); *see also* Smith Decl. ¶ 46.	Disputed. The majority of Claude users do not use it to write lyrics. The examples cited are cherry-picked from a vast set of data in Anthropic's "Economic Index." As Publishers' economics expert, Mr. Smith, testified, the data from the Economic Index does not disaggregate between musicians and songwriters, on the one hand, and other professional creatives in the arts and media category, on the other hand. Ex. 2 (Bilmes Report) ¶ 299; Ex. 119 (Ganguli 30(b)(6) Dep.) at 69:22-70:7; Ex. 15 (Nagaraj Rebuttal) ¶ 133; Ex. 133 (Smith Dep. Vol. 2) at 411:16-25; *id.* at 404:16-405:4, 416:10-23.
	Fact # 190. Anthropic's "Clio" data likewise shows frequent Claude usage by customers more broadly to "[c]reate or modify song lyrics," "[w]rite rock or metal song lyrics," and "[w]rite or improve rap lyrics," among other AI lyric generation uses. **Ex. 30** (D. Ganguli 30(b)(6) Dep. Ex. 6, Anthropic_0000429489), rows 2620, 3044, 4271, 4474, 4758; *see also* **Ex. 31** (Anthropic_0000429482), rows 840, 1382, 2759, 4627 (showing clusters	Disputed. Clio data shows lyric- or song-related requests are "relatively small" and comprised 0.226% of conversations during this time, including requests for "new" lyrics, "translation of lyrics," and "other song/lyric requests." Ex. 13 (Dennis Rebuttal) ¶¶ 115-122.

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	for lyrics-related uses); **Ex. 106** (Anthropic_0000429484), rows 1102, 2266, 4639; **Ex. 32** (Anthropic_0000429485), rows 221, 2039, 2731, 3749, 4765 (same).	
	Fact # 191. Data from Claude-collected interviews with creative industry professionals shows how songwriters and musicians are using Claude (as well as other AI models) to generate lyrics, including by "throw[ing] ideas into the AI system, and it can generate something that combines all of my thinking." ANTHROPIC, *HuggingFace, Anthropic Interviewer - Creatives* (last accessed Mar. 23, 2026), https://huggingface.co/datasets/Anthropic/AnthropicInterviewer/viewer/AnthropicInterviewer/creatives, creativity_0108; *see also id*. at creativity_0067, creativity_0001; **Ex. 107** (Anthropic_0000593843) (same); **Ex. 108** (Anthropic_0000594977) (describing launch of Anthropic Interviewer tool that ran 1,250 interviews with professionals, including 125 "creatives").	Disputed. The data are not limited to Claude usage, but discusses use of AI generally. The interview dataset does not provide any examples of a user using AI to specifically write or generate lyrics (as opposed to more discrete tasks, like using AI to find word pairings or rhymes). Ex. 133 (Smith Dep. Vol. 2) at 404:16-405:5; Ex. 146 (https://www.anthropic.com/research/anthropic-interviewer); Ex. 134 (ANTHROPIC, *HuggingFace, Anthropic Interviewer - Creatives*, https://huggingface.co/datasets/Anthropic/AnthropicInterviewer/viewer/AnthropicInterviewer/creatives (Smith Dep. Vol. 2 Exhibit 3)) at 3 (creativity_0001).
	Fact # 192. Anthropic's employees have used Claude to generate "new" AI lyrics in this manner. *See, e.g.*, **Ex. 5,** Mann 30(b)(1) Dep. Tr. 213:8- 25; **Ex. 109** (Anthropic_0000432334); s*ee also* **Ex. 71** (Dep. Ex. 244, Anthropic_0000554769), -792, -796, -845-847.	Disputed. The limited examples of Anthropic's employees using Claude to generate "new" AI lyrics include a personalized lullaby for a child and would not compete with or displace human-written lyrics and songs in the streaming and licensing markets. Ex. 15 (Nagaraj Rebuttal) ¶ 80; Ex. 127 (Nagaraj Dep.) at 216:13-217:2
	Fact # 193. Anthropic founder and President Daniela Amodei and Anthropic founder and Chief	Disputed. The limited examples of Anthropic's employees using Claude to generate

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	Science Officer Jared Kaplan each recently used Claude to produce AI-generated lyrics. **Ex. 110** (Dep. Ex. 174, Anthropic_0000570711); *see* **Ex. 10,** Daniela Amodei Dep. Tr. 186:11-16, 196:18-24; **Ex. 111** (Dep. Ex. 242, Anthropic_0000570586); *see also* **Ex. 6,** Kaplan Dep. Tr. 302:13-18 (discussing Dep. Ex. 242).	"new" AI lyrics include a personalized lullaby for a child and would not compete with or displace human-written lyrics and songs in the streaming and licensing markets. Ex. 15 (Nagaraj Rebuttal) ¶ 80; Ex. 127 (Nagaraj Dep.) at 216:13-217:2.
	Fact # 194. Anthropic founder and CEO Dario Amodei testified, "I could ask Claude to write a song. That's certainly something that the models are capable of doing." **Ex. 13,** Dario Amodei Dep. Tr. 81:9-11.	Undisputed.
	Fact # 195. Music producer Rick Beato demonstrated in a June 2025 YouTube video that has 2.5 million views how he had used Claude to create AI-generated lyrics and subsequently incorporated those lyrics into an AI-generated song that is now available on streaming services and has over 31,000 views on YouTube. Smith Decl. ¶ 39.	Disputed. Mr. Beato uploaded his song to YouTube, which does not have a fixed royalty pool. Plaintiffs have not identified any other example of a musician who has used Claude to help write a song for which they have been paid. Ex. 132 (Smith Dep. Vol. 1) 161:3-10, 163:7-164:2.
	Fact # 196. AI-created songs are increasingly appearing on streaming platforms and music sales charts. Smith Decl. ¶¶ 36-38.	Disputed. The vast majority of "AI-created songs" on streaming platforms are considered "AI slop" and receive very few actual listens from users. For some digital streaming platforms ("DSPs") like Deezer, the platform is able to identify songs that are AI-created and exclude from the royalty pool allocation. Ex. 135 (Wu et al., *Characterizing Detectability and Impact of AI-*

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		generated Music on Streaming Platforms) (Smith Dep. Vol. 2 Exhibit 7) at 1; Ex. 136 (UMG Earnings Call Tr.) at 21:56, 22:44, Dkt. 605 ("Smith Decl.") ¶ 38; Ex. 15 (Nagaraj Rebuttal) ¶ 33.
	Fact # 197. A study commissioned by the French streaming platform, Deezer, estimated that, as of September 2025, users were uploading approximately 50,000 AI-generated songs to the platform every day—representing 34% of all the music submitted while corresponding to 0.5% of total streams. Smith Decl. ¶ 37 (citing *Deezer/Ipsos Survey: 97% of People Can't Tell the Difference Between Fully AI-Generated and Human Made Music – Clear Desire for Transparency and Fairness for Artists*, Deezer Newsroom (Nov. 12, 2025), https://newsroom-deezer.com/2025/11/deezer-ipsos-survey-ai-music/).	Disputed. That the AI-generated songs in the Deezer study received only 0.5% of total streams indicates that very few listeners actually listen to the AI-generated songs. Ex. 15 (Nagaraj Rebuttal) ¶ 30; Ex. 135 (Wu et al., *Characterizing Detectability and Impact of AI-generated Music on Streaming Platforms*) (Smith Dep. Vol. 2 Exhibit 7) at 1; Ex. 136 (UMG Earnings Call Tr.) at 21:56, 22:44.
	Fact # 198. By January 2026, Deezer announced that the rate of AI-generated tracks submitted to its platformed increased to over 60,000 new tracks per day and now accounted for 3% of total streams, a six-fold increase in just four months. Smith Decl. ¶ 38 (citing *Deezer/Ipsos Survey: 97% of People Can't Tell the Difference Between Fully AI-Generated and Human Made Music – Clear Desire for Transparency and Fairness for Artists*, Deezer Newsroom (Nov. 12, 2025), https://newsroom-deezer.com/2025/11/deezer-ipsos-survey-ai-music/).	Disputed. The growing share of total streams for AI-generated music may be "fraudulent (*i.e.*, listened to only by bots, and not by a human user)." The music industry and DSPs have introduced methods to detect and label AI-generated music, with the intended goal of increasing transparency. The number of streams a song receives may therefore not be representative of actual listens or popularity by consumers. Smith Decl. ¶ 38; Ex. 15 (Nagaraj Rebuttal) ¶ 33; Ex. 135 (Wu et al., *Characterizing Detectability and*

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		Impact of AI-generated Music on Streaming Platforms) (Smith Dep. Vol. 2 Exhibit 7) at 1; Ex. 136 (UMG Earnings Call Tr.) at 21:56, 22:44.
	Fact # 199. Similarly, Billboard recently reported that "at least six AI or AI-assisted artists [] debuted on various Billboard rankings" in the final months of 2025 alone, but it is becoming "increasingly difficult to tell who or what is powered by AI," and this "trend is quickly accelerating." Smith Decl. ¶ 36; Xander Zellner, *How Many AI Artists Have Debuted on Billboard's Charts?*, BILLBOARD (Nov. 4, 2025), https://www.billboard.com/lists/ai-artists-on-billboard-charts/.	Disputed. Consumers can tell the difference between AI-generated songs and human-created songs, and they often prefer the human-created songs to AI-generated songs. Ex. 15 (Nagaraj Rebuttal) ¶¶ 22-34; Ex. 142 (Lucas Bellaiche et al., "Humans versus AI: whether and why we prefer human-created compared to AI-created artwork," Cognitive Research: Principles and Implications, 2023) at 1; Ex. 136 (UMG Earnings Call Tr.) at 24:29.
	Fact # 200. These trends are increasing as usage of Claude and other AI models continues to grow. Smith Decl. ¶ 38; *see also* Answer to FAC ¶ 148 ("Anthropic admits that its models are becoming more widely adopted.")	Disputed. There is no support for the inference that general increased usage of AI means consumers will have a corresponding increase in consumption of AI-generated music. As general AI usage increases, consumers may become more discerning and disfavor AI-generated works even more. Ex. 15 (Nagaraj Rebuttal) ¶ 33; Ex. 136 (UMG Earnings Call Tr.) at 23:37, 24:29.
	Fact # 201. Digital streaming platforms, like Spotify, distribute revenue to music rightsholders in pro-rata shares from a fixed "royalty pool"—the more a given song is streamed (relative to other songs on the platform), the more the rightsholder is paid from the pool.	Disputed. There is no indication that AI royalty dilution is a material issue from a revenue perspective for Publishers. Many DSPs, including Deezer and Spotify, exclude AI-generated works from the royalty pool. [redacted]

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	See Smith Decl. ¶ 52; *see generally* Berschback Decl. ¶ 40; Coleman Decl. ¶¶ 33-35; Draughon Decl. ¶¶ 46, 49; Kokakis Decl. ¶ 176.	[redacted] Ex. 136 (UMG Earnings Call Tr.) at 22:44; Ex. 44 (UMPG_0000025719), at Sec. 10(a); Ex. 132 (Smith Dep. Vol. 1) at 109:20-110:9, 115:23-116:9.
	Fact # 202. Adding AI-generated works to the platform diverts royalties from the pool that would otherwise have been paid to human songwriters. *See* Berschback Decl. ¶¶ 55-56; Coleman Decl. ¶¶ 33-35; Draughon Decl. ¶¶ 46, 49; Kokakis Decl. ¶ 176; *see also* Smith Decl. ¶ 53.	Disputed. There is no indication that AI royalty dilution is a material issue from a revenue perspective for Publishers. Many DSPs, including Deezer and Spotify, exclude AI-generated works from the royalty pool. [redacted] Ex. 136 (UMG Earnings Call Tr.) at 22:44; Ex. 44 (UMPG_0000025719), at Sec. 10(a); Ex. 132 (Smith Dep. Vol. 1) 109:20-110:9, 115:23-116:9.
	Fact # 203. Duff Berschback, Concord's Executive Vice President of Business and Legal Affairs, testified at his deposition that when "you put a bunch of AI-generated works" onto the platform, it "dilutes the royalty pool."	Disputed. There is no indication that AI royalty dilution is a material issue from a revenue perspective for Publishers. Many DSPs exclude AI-generated works from the royalty pool. [redacted]

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 15, Berschback Dep. Tr. 208:1-14.	[redacted] Ex. 136 (UMG Earnings Call Tr.) at 22:44, Ex. 44 (UMPG_0000025719), at Sec. 10(a); Ex. 132 (Smith Dep. Vol. 1) at 109:20-110:9, 115:23-116:9.
	Fact # 204. AI-generated works reduce Publishers' streaming and other revenues, by diverting such revenues from Publishers and diluting their share of the overall revenue pool. *See* Berschback Decl. ¶ 55-56; Coleman Decl. ¶¶ 33-35; Draughon Decl. ¶¶ 46, 49; Kokakis Decl. ¶¶ 175-77; *see also* Smith Decl. ¶¶ 52-53.	Disputed. There is no indication that AI royalty dilution is a material issue from a revenue perspective for Publishers. Many DSPs exclude AI-generated works from the royalty pool. There is also evidence that [redacted] Ex. 136 (UMG Earnings Call Tr.) at 22:44; Ex. 44 (UMPG_0000025719), at Sec. 10(a); Ex. 132 (Smith Dep. Vol. 1) at 109:20-110:9,115:23-116:9.
	Fact # 205. In addition to competing with Publishers and existing songwriters, increases in AI-generated music will "crowd out" emerging songwriters and disincentivize future potential songwriters from creating new works. *See* Berschback Decl. ¶ 59; Coleman Decl. ¶ 35; Kokakis Decl. ¶¶ 175-77; Smith Decl. ¶ 56; *see also* Draughon Decl. ¶ 50; Smith Decl. ¶¶ 51-53.	Disputed. There is no evidence or examples produced in this case of a songwriter who has been disincentivized from creating new works due to the increase of AI-generated music. Ex. 15 (Nagaraj Rebuttal) ¶¶ 166-169, Ex. 132 (Smith Dep. Vol. 1) at 322:22-323:23.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 206. Anthropic's Claude-collected interviews show that creative professionals who use Claude have expressed concerns about resulting harms—including that AI tools will "infinitely generate new music," cause "streaming platform saturation," and "automat[] [] music so much that the artistic economy collapses" and human "artistic expressions get[] buried beneath it all." ANTHROPIC, *HuggingFace, Anthropic Interviewer - Creatives* (last accessed Mar. 23, 2026), https://huggingface.co/datasets/Anthropic/AnthropicInterviewer/viewer/AnthropicInterviewer/creatives, creativity_0000, creativity_0108, creativity_0074.	Disputed. The data are not limited to Claude usage, but discusses use of AI generally. Many of the creative professionals interviewed also expressed excitement or positivity about using AI to help boost their creativity. Ex. 133 (Smith Dep. Vol. 2) at 404:16-405:4; Ex. 146 (https://www.anthropic.com/research/anthropic-interviewer); Ex. 134 (ANTHROPIC, *HuggingFace, Anthropic Interviewer – Creatives*, https://huggingface.co/datasets/Anthropic/AnthropicInterviewer/viewer/AnthropicInterviewer/creatives (Smith Dep. Vol. 2 Exhibit 3)), at 85 (creativity_004).
	Fact # 207. These harms will increase as Claude usage grows and Anthropic releases more-powerful Claude models in the future. Smith Decl. ¶ 41; Answer to FAC ¶ 148.	Disputed. There is no evidence or indication that AI-generated lyrics from Claude is a use case that will increase in the future or cause harms. The Economic Index data shows a decrease in usage in the arts, design, entertainment, sports, and media industries. There is no indication that AI-generated music is causing harm to Publishers' royalty pools. Ex. 133 (Smith Dep. Vol. 2) at 404:16-405:4; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 143 (Anthropic, *Appendix to 'Anthropic Economic Index report: Learning curves,'*" (Mar. 2026), https://cdn.sanity.io/files/4zrzovbb/website/a3cdcd9e67c3c4c51440429dd016cacba514b35b.pdf.) at 5.

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Fact # 208. A market for licensing copyrighted works for use in AI training already exists. Smith Decl. ¶¶ 66-69; *see also* Berschback Decl. ¶ 50; Kokakis Decl. ¶¶ 158-67.	Disputed. There is no example of a general-purpose LLM licensing lyrics for use in AI training. There is also no cognizable market for licensing any type of copyrighted work for use in AI training. [redacted] Ex. 23 (Nagaraj Reply) ¶ 75 n.184; Ex. 132 (Smith Dep. Vol. 1) at 75:22-76:4; Ex. 6 (Nagaraj Report) ¶ 33; Ex. 23 (Nagaraj Reply) ¶ 74.
	Fact # 209. Licensing is core to Publishers' work on behalf of songwriters, and Publishers are well positioned to participate in the AI licensing market. *See* Berschback Decl. ¶¶ 41, 50-52; Coleman Decl. ¶¶ 15-16; Draughon Decl. ¶¶ 31-32; Kokakis Decl. ¶¶ 158-67; Smith Decl. ¶¶ 76-81.	Disputed. There is no example of Publishers licensing their lyrics for use in training by a general-purpose LLM. Any [redacted] Ex. 23 (Nagaraj Reply) ¶ 75 n.184; Ex. 132 (Smith Dep. Vol. 1) 75:22-76:4, 74:23- 75:18; Ex. 6 (Nagaraj Report) ¶ 78.
	Fact # 210. Copyright owners have already entered into hundreds of agreements with AI developers to license their content for use in training AI models and for other AI-related uses. Smith Decl. ¶ 66.	Disputed. There is no example of a general-purpose LLM licensing lyrics for use in AI training. There is also no cognizable market for licensing any type of copyrighted work for use in AI training. [redacted]

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
		[redacted] Ex. 23 (Nagaraj Reply) ¶ 75 n.184; Ex. 132 (Smith Dep. Vol. 1) at 75:22-76:4, 74:23- 75:18; Ex. 6 (Nagaraj Report) ¶¶ 75-79.
	Fact # 211. Publishers have already licensed certain of their Works to multiple AI companies for use in training—such as Udio, Klay, and Nvidia—and they are exploring many other such licenses. Berschback Decl. ¶¶ 50-51; Kokakis Decl. ¶¶ 158-67; *see also* Smith Decl. ¶¶ 78-79; **Ex. 112**, Kokakis 30(b)(6) Dep. Ex. 34 (UMPG_0000024457); **Ex. 113** (UMPG_0000025119, Klay agreement).	Disputed. Publishers' licenses of their alleged Works [redacted] Udio and Klay, [redacted] Ex. 15 (Nagaraj Rebuttal) ¶ 40; Ex. 6 (Nagaraj Report) ¶ 77; Ex. 127 (Nagaraj Dep.) at 195:1-9.
	Fact # 212. Anthropic itself has entered into a license with [redacted] for certain uses of [redacted]." **Ex. 114,** (Turvey 30(b)(6) Dep. Ex. 32, Anthropic_0000429496), -497; **Ex. 7,** Turvey 30(b)(6) Dep. Tr. at 38:2-12; *see also* Smith Decl. ¶ 94.	Undisputed.
	Fact # 213. Anthropic's CEO Dario Amodei has publicly stated that AI technology could "wipe out half of all entry-level, white-collar jobs and spike unemployment to 10 percent to	Disputed. Dr. Amodei has consistently stated that AI's impact on the global economy and labor markets is uncertain and likely to include both harms and benefits (including to

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	20 percent in the next one to five years." **Ex. 115** (Dep. Ex. 250); *see also* **Ex. 13,** Dario Amodei Dep. Tr. 139:23-140:6; **Ex. 4,** Mann 30(b)(6) Dep. Tr. 168:21-169:22); **Ex. 6**, Kaplan Dep. Tr. at 339:13-340:1.	entry-level and white-collar jobs). He speaks publicly about these risks so that governments, policymakers, and civil society can work to address them. Ex. 112 (Dario Amodei Dep.) at 137:24-138:25; Ex. 127 (Nagaraj Dep.) at 201:11-202:2; Ex. 15 (Nagaraj Rebuttal) ¶¶ 42-43; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 132 (Smith Dep. Vol. 1) at 131:17-21; Ex. 101 (Anthropic_0000615195) at -245.
	Fact # 214. In a July 2021 Anthropic memo titled "An Economic Model for Compensating Data Producers," Dr. Amodei wrote about the "overall trend for Al progress to concentrate wealth, increase inequality, and in the long run automate labor." **Ex. 116** (Dep. Ex. 248, Anthropic_0000462964); **Ex. 13,** Dario Amodei Dep. Tr. 89:17-22; *id.* at 93:3-15.	Disputed. Dr. Amodei has consistently stated that AI's impact on the global economy and labor markets is uncertain and likely to include both harms and benefits. He speaks publicly about these risks so that governments, policymakers, and civil society can work to address them. Ex. 112 (Dario Amodei Dep.) at 137:24-138:25; Ex. 127 (Nagaraj Dep.) at 201:11-202:2; Ex. 15 (Nagaraj Rebuttal) ¶¶ 42-43; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 132 (Smith Dep. Vol. 1) at 131:17-21; Ex. 101 (Anthropic_0000615195) at -245, -243.
	Fact # 215. In the same memo, Dr. Amodei wrote that "human labor is being used to train AI models by large, centralized actors, who concentrate the resulting profits while in the long run making the human labor obsolete."	Disputed. Dr. Amodei has consistently stated that AI's impact on the global economy and labor markets is uncertain and likely to include both harms and benefits. He speaks publicly about these risks so that governments, policymakers, and

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 116 (Dep. Ex. 248, Anthropic_0000462964).	civil society can work to address them." Ex. 112 (Dario Amodei Dep.) at 137:24-138:25; Ex. 127 (Nagaraj Dep.) at 201:11-202:2; Ex. 15 (Nagaraj Rebuttal) ¶¶ 42-43; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 132 (Smith Dep. Vol. 1) at 131:17-21; Ex. 101 (Anthropic_0000615195) at -245, -243.
	Fact # 216. During his deposition, Dr. Amodei confirmed that his reference in this memo to "making human labor obsolete" included the human labor of songwriters, testifying, "[W]e should think about everyone, including songwriters, but this isn't about any one stakeholder in particular. This is about technology that can eventually automate everything." **Ex. 13,** Dario Amodei Dep. Tr. 98:4-20.	Disputed. Dr. Amodei has consistently stated that AI's impact on the global economy and labor markets is uncertain and likely to include both harms and benefits. He speaks publicly about these risks so that governments, policymakers, and civil society can work to address them. Ex. 112 (Dario Amodei Dep.) at 137:24-138:25; Ex. 127 (Nagaraj Dep.) at 201:11-202:2; Ex. 15 (Nagaraj Rebuttal) ¶¶ 42-43; Ex. 136 (UMG Earnings Call Tr.) at 23:37; Ex. 132 (Smith Dep. Vol. 1) at 131:17-21; Ex. 101 (Anthropic_0000615195) at -243.
	Fact # 217. In the same memo, Dr. Amodei wrote that, if "[t]he current trend continues," "AI model training [will] become[] an increasingly extractive concentrator of wealth, in more and more industries like writing, music, video-making, learning of various human interactive skills, etc.," noting the writing and music industries in particular.	Disputed. Dr. Amodei has consistently stated that AI's impact on the global economy and labor markets is uncertain and likely to include both harms and benefits. He speaks publicly about these risks so that governments, policymakers, and civil society can work to address them. With respect to the music industry in particular, Claude is unlikely to be the cause of any

Claim or Defense	Publishers' Undisputed Facts & Supporting Evidence	Anthropic's Response & Supporting Evidence
	Ex. 116 (Dep. Ex. 248, Anthropic_0000462964); **Ex. 13,** Dario Amodei Dep. Tr. 100:25-102:3 (confirming quoted language); *id.* at 103:10-18.	harms because it is a text-based LLM that can only output texts, not audio. Ex. 127 (Nagaraj Dep.) at 201:11-202:2; Ex. 15 (Nagaraj Rebuttal) ¶¶ 42-43, 161; Ex. 136 (UMG Earnings Call Tr.) 23:37; Ex. 132 (Smith Dep. Vol. 1) 131:17-21; Ex. 112 (Dario Amodei Dep.) at 137:24-138:25; Ex. 101 (Anthropic_0000615195) at -245.
	Fact # 218. Anthropic's other senior executives have described Claude's effect on markets by referring to impacts similar to the Industrial Revolution. *See* **Ex. 14,** Brown Dep. Tr. 45:24-46:2, 348:6-11; **Ex. 6,** Kaplan Dep. Tr. 85:4-10; *see also* **Ex. 5,** Mann 30(b)(1) Dep. Tr. 175:17-25.	Disputed. AI's impact on the global economy and labor markets is uncertain and likely to include both harms and benefits, which Anthropic's senior executives testified about. Ex. 106 (Brown Dep.) at 45:14-19; Ex. 127 (Nagaraj Dep.) at 201:11-202:2; Ex. 15 (Nagaraj Rebuttal) ¶¶ 42-43; Ex. 136 (UMG Earnings Call Tr.) 23:37.

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	Anthropic's Additional Fact # 23: There is no incentive for general-purpose LLM developers to license lyrics without the existence of a market for licensing all the other data needed to train a general-purpose LLM. Anthropic's expert, Dr. Abhishek Nagaraj, reported that "even though occasional deals for training data might materialize, no market for assembling all such data exists or is likely to emerge because the transaction costs of conducting these transactions at the scale necessary to successfully train a general-purpose LLM would be prohibitively high." Ex. 6 (Nagaraj Report) ¶¶ 33, 34; Ex. 15 (Nagaraj Rebuttal) ¶¶ 102-03	Undisputed that Dr. Nagaraj's report contains the quoted language. Otherwise, disputed that there is no incentive for general-purpose LLM developers to license lyrics without the existence of a market for licensing all the other data needed to train a general-purpose LLM. LLM developers have licensed content for training data on more than 200 occasions, regardless of whether a market for licensing all the other data needed to train a general-purpose LLM exists. **Smith Decl.** ¶ 66. During his deposition, Dr. Nagaraj refused to and could neither define "general-purpose LLM" nor specify how many tokens are "needed to train a general-purpose LLM." **Pls.' Opp'n/Reply Ex. 137** (Nagaraj Dep. Tr.) at 19:20-24, 27:3-8, 35:7-12. Anthropic has previously licensed [redacted]. **Pls.' Ex. 7** (Turvey 30(b)(6) Dep. Tr.) at 38:2-41:17. Publishers have previously licensed their musical works, including the lyrics to those works, to Klay and Udio. **Smith Decl.** ¶¶ 77-81; *see also* **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 120–34. Further disputed because Anthropic's fact reflects Dr. Nagaraj's disputed opinion, which is

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
		subject to a pending motion to exclude. *See* ECF No. 650.
	Anthropic's Additional Fact # 24: Anthropic's expert, Dr. Abhishek Nagaraj, reports that no market for general training data exists or is likely to form because "[t]he data needed to train a general-purpose LLM is immense and incredibly diverse, and the potential holders of rights in that data are enormous and highly distributed," such that "the cost of identifying each rightsholder can render the process impracticable." He further reports that "the value of each individual piece of training data to a LLM developer is comparatively very small, and the incremental value of that individual piece of data to the corpus is minimal." Ex. 6 (Nagaraj Report) ¶¶ 33, 43	Undisputed that Dr. Nagaraj's report contains the quoted language. Otherwise, disputed. A market for general AI training data already exists, and general-purpose LLMs have licensed training data as part of that market. **Pls.' Opp'n/Reply Ex. 189** (Dep. Ex. 315, S. Jia, A. Nagaraj, *Cloze Encounters: The Impact of Pirated Data Access on LLM Performance*, NAT.'L BUREAU OF ECON. RESEARCH, Working Paper No. 33598, 3 (March 2025) (identifying an "active licensing market for [training] data.")); **Pls.' Opp'n/Reply Ex. 137** (Nagaraj Dep. Tr.) at 132:21–134:9 (discussing Dep. Ex. 315); **Burrell Decl., Ex. 17 (**Smith Rebuttal) at ¶¶ 26–28, 50–52**; Burrell Decl., Ex. 25** (Smith Reply) at ¶ 79. Further disputed because "the value of each individual piece of training data to a LLM developer" is not necessarily "minimal." The value of particular AI training data will vary and is determined by the particular rightsholder and AI developer in any given case. **Burrell Decl., Ex. 8** (Smith Report) ¶ 107; *see also* **Pls.' Opp'n/Reply Ex. 189** (S. Jia, A. Nagaraj, *Cloze Encounters: The Impact of Pirated Data Access on LLM Performance*, NAT.'L BUREAU OF ECON. RESEARCH, Working Paper No. 33598, 5 (March 2025), https://www.nber.org/papers/w33598 ("[W]e can refute the claim that

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
		any single source has a negligible effect on model performance, even in large production models"). Further disputed because the cited evidence does not support the asserted fact. Dr. Nagaraj does not report that "no market for general training data exists," only that "no market for all the data needed to train a general-purpose LLM" exists. **Burrell Decl., Ex. 6** (Nagaraj Report) ¶¶ 8–9, 33, 51. Further disputed because Anthropic's fact reflects Dr. Nagaraj's disputed opinion, which is subject to a pending motion to exclude. *See* ECF No. 650.
	Anthropic's Additional Fact # 25: Publishers' economics expert, Dr. Michael Smith, provides no evidence or refutation that the high transactions costs of identifying and negotiating with hundreds of millions rightsholders could be overcome to permit formation of a general market for training data for a general-purpose LLM. Ex. 8 (Smith Report) ¶¶ 107-113; Ex. 17 (Smith Rebuttal) ¶¶ 50-61	Disputed. Dr. Smith specifically refutes Dr. Nagaraj's assertion that negotiation with "hundreds of millions rightsholders" is "necessary" for a general market for training data for a general-purpose LLM to form, including because centralized ownership of many rights and collective intermediation are viable methods of licensing diverse and fractured rights across numerous rightsholders. **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 117–19; **Burrell Decl., Ex. 17** (Smith Rebuttal) ¶¶ 50–54. Dr. Smith also refutes Dr. Nagaraj's assertion by opining that a market for AI training data already exists and that Publishers are active participants in that market, including through AI licensing deals with Udio and Klay.

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
		See **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 16, 108, 120–36. Dr. Smith also provides data from the Copyright Alliance demonstrating the proliferation of AI licensing deals between rightsholders and general-purpose LLMs, as well as record evidence from Anthropic documents and 30(b)(6) testimony to refute the claim that high transaction costs are too great to permit formation of a general licensing market for training data for general-purpose LLMs. Dr. Smith also refers to Anthropic's own expert's (Dr. Abhishek Nagaraj) prior research explaining the existence of a nascent licensing market for general training data for general-purpose LLMs. **Burrell Decl., Ex. 17** (Smith Rebuttal) ¶¶ 26–28, 50–54.
	Anthropic's Additional Fact # 26: Anthropic's expert, Dr. Abhishek Nagaraj, reported that because "lyrics have relatively low value for training general-purpose LLMs" that "[g]iven the high transaction costs, combined with the relatively low value, I would expect that developer firms would have little incentive to pursue deals." Anthropic "typically, [] doesn't have any particular interest in song lyrics, and so it's not something that Anthropic researchers have spent any specific time working on." Ex. 6 (Nagaraj Report) ¶ 71; Ex. 126 (Mann 30(b)(6) Dep.) 291:5-291:24; Ex. 2 (Bilmes Report) ¶ 20.	Undisputed that Dr. Nagaraj's report contains the quoted language. Otherwise, disputed. Anthropic has demonstrated interest in licensing song lyrics: in 2025, it [redacted]" **Pls.' Ex. 7** (Turvey 30(b)(6) Dep. Tr.) 38:2–41:17. Further disputed because the transaction costs of licensing Publishers' lyrics, as defined by Dr. Nagaraj are not high; ownership is centralized and rightsholders are easily identifiable. **Smith Decl.** ¶¶ 74–75.

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
		Further disputed because Anthropic's fact reflects Dr. Nagaraj's disputed opinion, which is subject to a pending motion to exclude. *See* ECF No. 650.
	Anthropic's Additional Fact # 27: Anthropic's expert, Dr. Abhishek Nagaraj, reported that the "lyrics to the 499 Works-In-Suit only represent an estimated 213,891 tokens. When divided by [redacted] the number of tokens used to train Claude 3, that equates to the lyrics representing only [redacted] of the total tokens used to train that model of Claude" and that taking the combined catalogs of UMPG and Concord, "would correspond to [redacted]" Ex. 6 (Nagaraj Report) ¶¶ 55-56	Undisputed that Dr. Nagaraj's report contains the quoted language. Otherwise, disputed. Dr. Nagaraj's calculation assumes, contrary to the evidence, that Claude's training data contains only a single copy of the 499 Works in Suit. Publishers' expert estimates that there are 10 or more copies of each of Publishers' Works in Suit within the training corpus for Claude 1 through 3.7 Sonnet (inclusive), and estimates that for 354 Works, there are over 1,000 copies each, and 10,000 copies each for 19 Works. **Burrell Decl., Ex. 6** (Nagaraj Report) ¶¶ 55–56 (relying on **Burrell Decl., Ex. 2** (Bilmes Report) ¶ 392); **Burrell Decl., Ex. 7** (Shan Report) ¶¶ 37, 40(i), 49–51.
	Anthropic's Additional Fact # 28: When asked [redacted] She further testified [redacted] E.g., Ex. 110 (Coleman Dep.) at 119:5-120:13	Undisputed that Ms. Coleman testified as quoted, and that Anthropic has never approached ABKCO to license the Works in Suit or the lyrics to the Works in Suit. **Pls.' Opp'n/Reply Ex. 144** (Pittenger Dep. Tr.) 134:21–135:4.
	Anthropic's Additional Fact # 29: Corporate Designee for Publisher	Undisputed that Mr. Berschback testified that [redacted]

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	Concord Music Group, Mr. Duff Berschback, testified that "[redacted] He further answered [redacted] Publishers' expert, Dr. Michael Smith, further agreed that he was not aware of any agreement between a music publisher (let alone the Publishers in this case) and a general-purpose LLM. Ex. 104 (Berschback Dep.) at 168:9-172:5; Ex. 132 (Smith Dep. Vol. 1) 75:22-76:4.	[redacted] Otherwise, disputed. In response to the question, "[redacted]?", Mr. Berschback responded in full: "[redacted]." **Pls.' Ex. 15** (Berschback Dep.) at 171:25–172:5. In response to the question, "You're not relying, for purposes of your analysis in this case, on any agreement between a music publisher and a general-purpose LLM; fair?", Dr. Smith testified "I believe that's correct." In response to the next question, "And you haven't cited in your report any agreements between any music publisher and any general-purpose LLM, right?", Dr. Smith testified "That's correct." **Burrell Decl., Ex. 132** (Smith Dep. Vol. 1) 75:22–76:4.
	Anthropic's Additional Fact # 30: Publicly reported agreements to license data with certain LLMs encompass a larger scope of rights than just use for training a general-purpose LLM. For example, they may include display rights or AI integration rights, which are distinct from AI training rights.	Undisputed that some, but not all, publicly reported data licensing agreements with certain LLMs encompass a larger scope of rights than just use for training a general-purpose LLM. Otherwise, disputed. Some publicly reported data licensing agreements with certain LLMs are solely for use

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	Ex. 6 (Nagaraj Report) ¶¶ 74-76, 77-79; Ex. 23 (Nagaraj Reply) ¶¶ 75-79.	of the data in training a general-purpose LLM, such as those between Shutterstock and multiple general-purpose LLM developers. **Burrell Decl., Ex. 23** (Nagaraj Reply) ¶ 78.
	Anthropic's Additional Fact # 31: Certain general-purpose LLM developers may seek out "gap filling" or "last mile" data, which covers a narrow range of data where the "assessed value" of the data to model training "exceed[s] the transaction costs of obtaining them." As Anthropic's expert, Dr. Abhishek Nagaraj, explains, general-purpose LLMs may resort to making deals for "gap filling" data to fill in the gaps of a training corpus that the developer could not amass from other sources. Such gap filling data is needed only after a developer has already amassed trillions of tokens. Ex. 6 (Nagaraj Report) ¶ 73; Ex. 23 (Nagaraj Reply) ¶¶ 70-74	Undisputed that general-purpose LLM developers can and do license the right to use copyrighted works as AI training data, including from music publishers, which some LLM developers may or may not characterize internally as "gap filling" or "last mile" data. Disputed that "gap filling data is needed only after a developer has already amassed trillions of tokens," including because many types of general-purpose LLMs require less than a trillion tokens to train. **Pls.' Opp'n/Reply Ex. 137** (Nagaraj Dep. Tr.) at 42:2–45:16.
	Anthropic's Additional Fact # 32: Anthropic Corporate Designee and co-founder, Benjamin Mann, testified: "I would say, no, I don't think we view it as important to include lyrics" in "Claude's training data." This is because lyrics are short, repetitive in nature, and have limited vocabulary in comparison to longer texts with more factual information. Lyrics are unlikely to add much unique information as training data. Lyrics serve a marginal additional training data and contribute no more or less than other data to the overall	Undisputed that Mr. Mann testified as quoted, and that Anthropic does not believe lyrics are "important" to include in Claude's training data for general training purposes or to generate non-lyric-related output. Otherwise, disputed. Claude is capable of responding to requests for and generating output containing copies of Publishers' lyrics, derivatives of those lyrics, and AI-generated song lyrics because its training data includes Publishers' lyrics.

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	scale and diversity of the training data. Ex. 126 (Mann 30(b)(6) Dep.) at 114:5-9; Ex. 2 (Bilmes Report) ¶ 324; Ex. 19 (Bilmes Reply) ¶ 178.	**Burrell Decl., Ex. 11** (Bilmes Rebuttal) ¶ 33; **Burrell Decl., Ex. 10** (Zhao Report) at ¶¶ 69–70, 92; **Burrell Decl., Ex. 18** (Zhao Rebuttal) at ¶ 112; *see also* **Burrell Decl., Ex. 18** (Zhao Rebuttal) at ¶¶ 20, 31; Def.'s Opp.'n to Pls.' Renewed Mot. for Prelim. Inj. (Aug. 22, 2024), 6, ECF No. 207 ("For the model to be able to respond sensibly to queries about rap music, or cheesecake recipes, or physics equations, it must have been shown examples of texts that approximate those concepts").
	Anthropic's Additional Fact # 33: Anthropic co-founder, Tom Brown, testified "I have seen that there's little value in song lyrics for CLAUDE being good at work, and so it's always been the least useful data for CLAUDE." Ex. 106 (Brown Dep.) at 85:6-15	Undisputed that Mr. Brown testified as quoted.
	Anthropic's Additional Fact # 34: Anthropic co-founder, Jared Kaplan, testified that "each individual work is really of vanishing importance, diversity is important, and song lyrics are simply and example that may be useful and that one can discuss, among millions of other possibilities." Ex. 120 (Kaplan Dep.) at 152:6-19	Undisputed that Dr. Kaplan testified as quoted.
	Anthropic's Additional Fact # 35: Anthropic expert, Dr. Abhishek Nagaraj, reported that "[t]he value of lyrics for training a general-purpose LLM is very low relative to other kinds of training data." An internal Anthropic document shows technical staff at Anthropic [redacted]	Disputed. The "internal Anthropic document" that Dr. Nagaraj references and relies on to support his claim that lyrics have "very low [value] relative to other kinds of training data" is a spreadsheet that aggregates the [redacted]

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	[redacted]. Ex. 6 (Nagaraj Report) ¶¶ 53, 58-61; Ex. 55 Anthropic_0000228080.	[redacted]. The document does not address what Anthropic's [redacted] would be if Anthropic could not obtain them [redacted]. *See* **Burrell Decl., Ex. 17** (Smith Rebuttal) ¶ 74; **Burrell Decl., Ex. 25** (Smith Reply) ¶¶ 10, 86, 132. Further disputed because Anthropic's fact reflects Dr. Nagaraj's disputed opinion, which is subject to a pending motion to exclude. *See* ECF No. 650.
	Anthropic's Additional Fact # 36: Anthropic's expert, Dr. Abhishek Nagaraj, reported that licensing deals with Udio and Klay "are not analogous to the needs of a general-purpose LLM" because those LLM companies "offer niche, multi-media AI products" that can generate music and audio, and because [redacted] Ex. 6 (Nagaraj Report) ¶¶ 77-78; Ex. 15 (Nagaraj Rebuttal) ¶ 96	Disputed because UMPG's licensing deals with Udio and Klay contain provisions [redacted] **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 122–23, 128, 134; ANTHROPIC, *HuggingFace*, *Dataset Card for HH-RLHF,* https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Aug. 6, 2026) (dataset including Claude finetuning prompts) (*e.g.,* "Why do birds suddenly appear . . . I want to know the complete lyrics"; "Can

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		you help me identify the name of the song that includes the following lyrics . . . [repeated multiple times for different songs]; "What song is this lyric from 'Distant when we're kissing/feel so different/baby tell me how did you get so . . .'"; "[W]hat song starts with the lyrics . . ."; "Can you write me the chorus—4 rhyming lines—of a good pop song about breaking up with someone?"; "Can you write a country song about fishing, losing a girlfriend, and getting a dog?"); *see also* **Pls.' Ex. 2** at 86–87 (citing Anthropic_0000093838) (providing lyrics to "How Great Is Our God" in response to prompt "How great is our God lyrics"), 131–132 (citing Anthropic_0000032302) (output of derivative work combining the lyrics to "Lean on Me" and another song when prompted to create a "medley" for a trio), 162–63 (citing Anthropic_0000040992) (output providing lyrics to "Radioactive" in response to prompt to "[c]reate the lyrics for a new song to last between 3-4 minutes in the style of imagine dragons"), 263–64 (citing Anthropic_0000063276) (providing lyrics to "Take Me Out" in response to prompt "give me the lyrics to take me out"), 317–18 (citing Anthropic_0000022134) (providing lyrics to "Yellow" in response to prompt "what are the lyrics to the coldplay song yellow").
	Anthropic's Additional Fact # 37: Anthropic's expert, Dr. Jeffery Bilmes, reported that "some researchers have built LLMs that are specifically created to produce music and lyrics and nothing else—these are trained only for one task and use homogeneous data." But that Claude	Disputed. Anthropic trained Claude to output copies of existing lyrics, derivatives of those lyrics, and "new" AI-generated lyrics, much like the "LLMs specifically created to produce . . . lyrics."

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	models are neither built in this way nor built for this purpose and so, with very limited exceptions, Anthropic does not seek out those types of narrow task-specific datasets for model training." Anthropic's expert, Dr. Abhishek Nagaraj, also reported that the Udio and Klay deals are particularly unanalogous to Claude because "[redacted]" Ex. 2 (Bilmes Report) ¶ 127; Ex. 15 (Nagaraj Rebuttal) ¶ 40.	*See* ANTHROPIC, *HuggingFace*, *Dataset Card for HH-RLHF,* https://huggingface.co/datasets/Anthropic/hh-rlhf (last accessed Aug. 6, 2026) (dataset including Claude finetuning prompts) (*e.g.,* "Why do birds suddenly appear . . . I want to know the complete lyrics"; "Can you help me identify the name of the song that includes the following lyrics . . . [repeated multiple times for different songs]; "What song is this lyric from 'Distant when we're kissing/feel so different/baby tell me how did you get so . . .'"; "[W]hat song starts with the lyrics . . ."; "Can you write me the chorus—4 rhyming lines—of a good pop song about breaking up with someone?"; "Can you write a country song about fishing, losing a girlfriend, and getting a dog?"); **Pls.' Ex. 54** (Anthropic_0000525947) at -948–49; **Pls.' Ex. 55** (Anthropic_0000459162) at -168; **Pls.' Ex. 56** (Anthropic_0000554366) at -387–88; **Pls.' Ex. 57** (Anthropic_0000526003) at -025; **Pls.' Ex. 58** (Dep. Ex. 274, Anthropic_0000016458); **Pls.' Ex. 59,** (Anthropic_0000016025) at -035; **Pls.' Ex. 63** (Anthropic_0000568754), -764; **Pls.' Ex. 64** (Anthropic_0000459249), -271; **Pls.' Ex. 65** (Anthropic_0000557304), -328; **Pls.' Ex. 66** (Anthropic_0000459543), -742; **Pls.' Ex. 67** (Anthropic_0000557359), -612–14; **Pls.' Ex. 68** (Anthropic_0000557015), -027; **Pls.' Ex. 69** (Anthropic_0000241820); **Pls.' Ex.**

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		70 (Anthropic_0000459487), -496; **Pls'. Ex. 71** (Dep. Ex. 244, Anthropic_0000554769), -845–47; **Pls.' Ex. 72** (Anthropic_0000554405), -413 (pre-deployment employee prompts to Claude for song lyrics); **Pls.' Ex. 74** (Dep. Ex. 179, Anthropic_0000458491), at Row 58 of Tab "Harmlessness" ([redacted] "What are some awesome Metal lyrics?"). Further disputed because UMPG's Udio and Klay agreements expressly contemplate [redacted] **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 122–23, 128, 134.
	Anthropic's Additional Fact # 38: Anthropic's expert, Dr. Abhishek Nagaraj, performed a regression analysis that demonstrated [redacted] Ex. 15 (Nagaraj Rebuttal) ¶¶ 138-148	Undisputed that Dr. Nagaraj purported to perform such an analysis which purported to reach the stated conclusion. Otherwise, disputed as to the truth of the matter asserted, because Dr. Nagaraj's regression analysis suffers from numerous methodological flaws that prevent it from supporting the stated conclusion. *See generally* **Burrell Decl., Ex. 17** (Smith Rebuttal) ¶¶ 100–41.
	Anthropic's Additional Fact # 39: Anthropic's economics expert, Dr. Abhishek Nagaraj, reported that there is no evidence that AI-generated music will harm	Undisputed that Dr. Nagaraj reported as stated. Otherwise, disputed as to the truth of the matter asserted. AI-generated

Anthropic's Additional Material Facts on this Issue		Publishers' Response & Supporting Evidence
	Publishers or the music industry as a whole. Ex. 15 (Nagaraj Rebuttal) ¶¶ 50-68; Ex. 23 (Nagaraj Reply) ¶ 96.	music has already caused harm and will continue to do so. AI-generated music, including AI-generated lyrics, is diluting the actual and potential markets for Publishers' copyrighted works by generating market substitutes, lowering the value of the works with respect to existing lyrics display licenses as well as potential licenses for use as AI training data, and enabling the creation of harmful derivatives, disincentivizes artists and rightsholders from creating new works. **Burrell Decl., Ex. 8** (Smith Report) §§ V.A-B, D; *see also* **Berschback Decl.** ¶¶ 55–59; **Coleman Decl.** ¶¶ 27–35; **Draughon Decl.** ¶¶ 41–51; **Kokakis Decl.** ¶¶ 171–77. Further disputed because Anthropic's fact reflects Dr. Nagaraj's disputed opinion, which is subject to a pending motion to exclude. *See* ECF No. 650.
	Anthropic's Additional Fact # 40: The evidence suggests that AI is likely to have positive impacts, including to the music industry. Songwriters and musicians are using AI to increase their productivity, as a brainstorm partner and collaborator, as a translator, a vocalist, as musical persona, and to generate new musical compositions in collaboration with generative-AI tools. Ex. 15 (Nagaraj Rebuttal) ¶¶ 62-68; Ex. 9 (Stokes Report) § IV.B & IV.D.	Disputed. The evidence reveals generative AI's negative impacts on the music industry, including significant dilution of the market with AI-generated substitutes (that are becoming increasingly indistinguishable from human-generated works by consumers) and erosion of the lyrics display licensing market by reproducing existing lyrics for free. **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 15, 17, 61–66, 68–71, 74–78, 94, 97, 163–67; *see also* **Berschback Decl.** ¶¶ 56, 58–59; **Coleman Decl.** ¶¶ 32–35; **Draughon Decl.** ¶¶ 47–50; **Kokakis Decl.** ¶¶ 176–77.

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		Further disputed because Anthropic's fact reflects the disputed opinions of Anthropic's experts Dr. Nagaraj and Mr. Stokes, both of which are subject to pending motions to exclude. *See* ECF Nos. 650 & 652.
	Anthropic's Additional Fact # 41: In response to the question: "[redacted]" Publishers' economics expert, Dr. Michael Smith, testified "[redacted]" Dr. Smith also could not identify a single songwriter that has "lost any opportunity based on competition from AI," nor could he quantify any "actual dollar harm to songwriters" due to alleged competition from AI. Ex. 132 (Smith Dep. Vol. 1) at 274:16-24; *id* 109:20-110:9; 115:21-116:3	Undisputed only to the extent this fact accurately quotes Dr. Smith's deposition transcript. Otherwise, disputed. It is impossible to precisely quantify these harmful competitive effects of generative AI, such as by the examples Anthropic cites, particularly because the relevant technology is still developing and there is not enough clear and reliable market information to quantify the harmful effects of generative AI with any reasonable certainty. *See* **Burrell Decl., Ex. 8** (Smith Report) ¶¶ 95–98, 157–61, 176, 188, 191.
	Anthropic's Additional Fact # 42: Anthropic's expert, Dr. Abhishek Nagaraj, conducted a regression analysis that demonstrated that "user traffic to websites that display lyrics," such as lyric aggregator websites or Google Search, did not decrease after Claude was publicly launched. Based on his regression analysis, Dr. Nagaraj found no evidence that "increased use of Claude was associated with decreased use of lyrics websites," and therefore his findings were "inconsistent with Plaintiffs' theory of harm."	Undisputed that Dr. Nagaraj purported to perform such an analysis which purported to reach the stated conclusion, and that his report includes the quoted statements. Disputed as to the truth of the matter asserted, because Dr. Nagaraj's regression analysis suffers from numerous methodological flaws that prevent it from supporting the stated conclusion. *See generally* **Burrell Decl., Ex. 17** (Smith Rebuttal) ¶¶ 100-41.

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	Ex. 6 (Nagaraj Report) ¶¶ 82-90, 101-43, Appendix C; Ex. 23 (Nagaraj Reply) ¶¶ 99-140, Appendix.	
	Anthropic's Additional Fact # 43: Anthropic's expert, Ms. Julie Davis, found no evidence that [redacted] Ex. 4 (Davis Report) pp. 49-52	Undisputed that Ms. Davis purported to perform such an analysis which purported to reach the stated conclusion. Otherwise, disputed. Ms. Davis's analysis was not capable of identifying any causal relationship between Publishers' lyrics-licensing revenues and the effects of Claude's introduction. *See* **Burrell Decl., Ex. 17** (Smith Rebuttal) ¶ 148. Further disputed as to the truth of the matter asserted, because Anthropic's fact reflects Ms. Davis's disputed opinion, which is the subject of a pending motion to exclude. *See* ECF No. 646.

I attest that the evidence cited herein fairly and accurately supports or disputes the facts as asserted.

Dated: August 17, 2026

Respectfully submitted,

/s/ Nicholas C. Hailey

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2026 I did cause this document to be served on the following listed below and in the manner so indicated.

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