EXHIBIT 140



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Transcript of Duff Berschback, Designated Representative & Individually

Date: October 10, 2025
Case: Concord Music Group -v- Anthropic

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., et al.,

Plaintiffs,

vs.

ANTHROPIC PBC,

Defendant.

Case No. 5:24-cv-03811-EKL

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Remote Videotaped Deposition of

CONCORD MUSIC GROUP, INC.,

By and through its Designated Representative,

DUFF BERSCHBACK,

and in his Individual Capacity

Friday, October 10, 2025

9:11 a.m.

Job No.: 602002

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Saba McKinley, LCR, RPR

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A P P E A R A N C E S

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I N D E X

WITNESS: DUFF BERSCHBACK

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EXHIBITS

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S T I P U L A T I O N S

The deposition of DUFF BERSCHBACK was taken by counsel for the Defendant, by Notice, remotely via Zoom videoconference, on October 10, 2025, 2025, for all purposes under the Federal Rules of Civil Procedure.

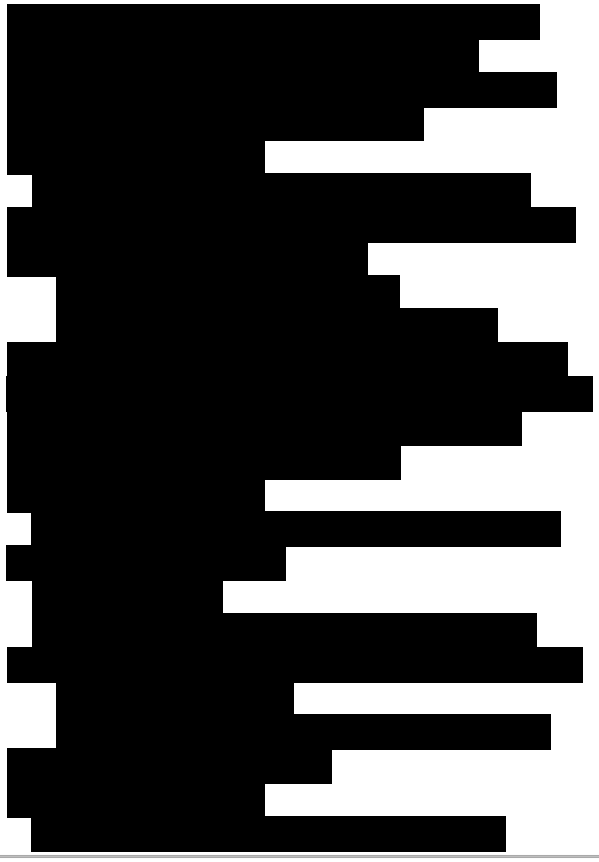
All formalities as to caption, notice, statement of appearance, et cetera, are waived. All objections, except as to the form of the question, are reserved for the hearing, and that said deposition may be read and used in evidence in said cause of action in any trial thereon or any proceeding herein.

It is agreed that SABA MC KINLEY, LCR, RPR, may swear the witness, and that the reading and signing of the completed deposition by the witness are not waived.

* * *

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MR. HOLTZBLATT: I'm going to mark Tab 97 as Exhibit 8.
(Exhibit 8, was marked for identification.)
MR. HOLTZBLATT: I've marked as Exhibit 8 a document with Bates stamp UMPG 19138.
BY MR. HOLTZBLATT:
Q. Do you see that, Mr. Berschback?
A. Let's see. 19138?
Q. 19138. Yes, sir.
A. Yes.
Q. Do you see, Mr. Berschback, that Exhibit 8 is another copy of sheet music for "We Built This City"?
MR. KAPLAN: Form objection.
THE WITNESS: That's what it appears to be.
BY MR. HOLTZBLATT:
Q. Now, I'd like you to take a look at Exhibit 7

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in the bottom of page 2 of Exhibit 7. Okay?
A. Okay.
Q. You see the line, I believe this is the third verse of the song, "Who rides the wrecking ball in two rock guitars?" You see that's at the very bottom of page 15652, going onto page 15653 of Exhibit 7?
A. Yep.
Q. Did I read that correctly, "Who rides the wrecking ball in two rock guitars?"
A. Yes.
Q. Now let's go to Exhibit 8, and let's go to page UMPG 19150.
A. Okay.
Q. Do you see in the center of the page, in Exhibit 8 on page 19150, we see what is a similar line, "Who rides the wrecking ball into our guitars?"
A. "Who rides the wrecking ball into our guitars?" Yeah. Uh-huh.
Q. So those are different lyrics in Exhibit 8 than Exhibit 7, correct?
MR. KAPLAN: Form objection.
THE WITNESS: Where in Exhibit 7 are you asking me to compare to?
BY MR. HOLTZBLATT:
Q. We looked at page 15652 to 15653.

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A. Okay.
Q. And the line says, "Who rides the wrecking ball in two rock guitars," the number two, followed by "rock guitars?"
A. Uh-huh.
Q. You see that?
A. Yep.
Q. Okay. In Exhibit 8, the line says, "Who rides the wrecking ball into," I-N-T-O, "our guitars?"
Do you see that?
A. I do.
Q. So those are different lyrics, correct?
MR. KAPLAN: Which -- what's the Bates number in Exhibit 8 where we are, please?
MR. HOLTZBLATT: Yes. We're at Bates number 19150.
Let me ask the question begin, Mr. Berschback.
BY MR. HOLTZBLATT:
Q. In Exhibit 7, at Bates stamp 15652, the line that's presented says, "Who rides the wrecking ball in two," the number two, "rock guitars?"
Correct?
A. That's right.
Q. And then in Exhibit 8, at Bates stamp UMPG 19150, the line says, "Who rides the wrecking ball

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into," I-N-T-O, "our," O-U-R, "guitars?"
Correct?
A. That's right.
Q. So those are different lyrics?
MR. KAPLAN: Form objection.
THE WITNESS: They are different words on the page, yes.
BY MR. HOLTZBLATT:
Q. There are different words on the page for the lyrics for two written copies of the song "We Built This City," correct?
MR. KAPLAN: Form objection.
THE WITNESS: There are de minimus and slight technically difference between the words on the page of the exhibits that I'm reading, yes.
BY MR. HOLTZBLATT:
Q. They sound very similar, though. "In two," the number two, "guitars," and, "Into," I-N-T-O, "our guitars," that sounds very similar, correct?
A. Well, phonetically? Like, what do you mean by "sound similar"?
Q. Sure. Phonetically, those sound very similar, those two phrases?
A. Depending on one's sensitivity to diction and tone and pronunciation, maybe.

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Q. But the words, the actual words that are written down on the page are different words, correct?
A. Yeah.
MR. KAPLAN: Form objection.
BY MR. HOLTZBLATT:
[redacted]

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[redacted]
MR. HOLTZBLATT: Okay. Let's take another example. I'm going to mark -- before I do that.
BY MR. HOLTZBLATT:
Q. Let's talk about "Time After Time." That's another older song, correct?
A. If you're referring to the one that was made popular by Cyndi Lauper and her recording, yes.

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Q. Okay. Well, the Concord work that is at issue in this suit is the Cyndi Lauper "Time After Time," correct?
A. Yes.
Q. The work, "Time After Time," made popular by Cyndi Lauper, is an older song?
MR. KAPLAN: Form objection.
THE WITNESS: Well, the older I get, I'm not sure what "older" refers to. But it's -- I believe that it dates, at least with respect to the commercial sound recording by Ms. Lauper, to the '80s. I don't actually know when it was written.
BY MR. HOLTZBLATT:
Q. With respect to "Time After Time," let's look at Exhibit 6, and let's go to page 27.
A. Okay.
Q. Here, again, publishers -- with respect to "Time After Time," in response to request for admission No. 69, "Publishers admit that they do not maintain in their possession, custody, or control any true and correct copy of the deposit made with the United States Copyright Office in connection with any application for registration. Publishers also deny that they do not maintain in their possession, custody, or control, any true and correct copy of the work deposited with the

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Q. What I mean by "crowdsourcing" is that a website might rely on the community of users of that website to try to generate a copy of the lyrics for a particular song.

Is that concept something you're familiar with?

MR. KAPLAN: Form objection. And scope.

THE WITNESS: It's really not. Again, the process that you described describes a method by which a licensee of our lyrics could obtain, you know, the lyrics themselves. And I don't know the specifics of how they go about doing that, although I would point out the obvious, which is if you could just go to the sound recording, you wouldn't need to go into any other source.

Because the sound recording was what was put into the copyright office as a deposit copy, and that's -- there you go. You don't need to go anywhere else.

MR. HOLTZBLATT: Okay.

BY MR. HOLTZBLATT:

Q. In Exhibit 3, your declaration, paragraph 4, you state that, "Concord owns and/or controls exclusive rights with respect to over 800,000 copyrighted musical compositions."

[redacted]

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[redacted]

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[redacted]

Q. Now, earlier you mentioned lyric aggregators. You differentiated between a lyric aggregator and some of these websites. Can you explain what is a lyrics aggregator?

A. Well, lyric aggregators, such as Musixmatch and Lyricfind are -- they license our lyrics, and then they -- in the case of lyrics find, they have their own consumer destination site. But for the most part, what they do is they turn around and they sublicense the lyrics rights to other companies, many of whom appear on that list, who use or otherwise incorporate lyrics into their services, which sometimes take the form of a lyric display, but can often take other forms as well.

[redacted]

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[redacted]

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[redacted]

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[redacted]

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[redacted]

MR. HOLTZBLATT: I'm going to mark as Exhibit 16 Tab 24.

(Exhibit 16, was marked for identification.)

[redacted]

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[redacted]

Q. You said this is broken down --

(Stenographer interrupts to inform counsel there is an audio issue.)

MR. HOLTZBLATT: Let's go off the record.

THE VIDEOGRAPHER: We are going off the record. The time is 3:51 p.m.

(Brief pause.)

THE VIDEOGRAPHER: We are back on the record. The time is 4:02 p.m.

BY MR. HOLTZBLATT:

[redacted]