EXHIBIT E

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** **Judge Eumi K. Lee** **Magistrate Judge Susan van Keulen**

REPLY EXPERT REPORT OF DR. ROBERT LEONARD

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I. Introduction

1. I have been retained by Plaintiffs in the above-captioned matter. I previously submitted a report in this matter dated December 19, 2025 (my "Opening Report"), wherein I provided my analysis of the linguistic relationship between Plaintiffs' copyrighted lyrics and certain outputs from Anthropic PBC's ("Anthropic") large language model AI service known as Claude.

II. Background & Qualifications

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

3. I received a Ph.D. in linguistics from Columbia University in 1982 in theoretical semantics—an evidence-based theory of how human language conveys meaning—and sociolinguistics, which studies how humans do (or do not) communicate in the real world.

4. I received a B.A. from Columbia College in 1970, where I was elected to Phi Beta Kappa and graduated with honors, and I received an M.A. and M.Phil. from Columbia Graduate School, where I was awarded a Faculty Fellowship. In graduate school, in addition to my training in linguistics per se, I was mentored by Professor Allen Walker Read, one of the foremost lexicographers of the 20th century. I was awarded a Fulbright Fellowship for my dissertation research. I am regularly consulted in cases dealing with language use by the FBI, Joint Terrorism Task Forces, police, and counter-terrorism units throughout the US, UK, Canada, and Europe, and by many defense teams. I also serve as Senior Consultant to the Office of the Director of National Intelligence on the IARPA (Advanced Research for the Intelligence Community) "Linguistic Fingerprint" project.

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

6. I have previously been qualified as an Expert in Linguistics in 15 States and 11 Federal Districts. A copy of my curriculum vitae, which provides additional detail on my education, qualifications, and professional affiliations, as well as a list of the publications I have authored, was attached to my Opening Report as Appendix I.

7. I am the owner of Robert Leonard Associates, which is being compensated at a rate of $600 per hour for my work in this case. My compensation does not in any way depend on the outcome of this case.

III. Assignment

8. In connection with this Reply Report, counsel for Plaintiffs have asked me to review and provide my opinion with respect to the January 23, 2026 expert report of Ethan Lustig, Ph.D. (the "Lustig Report").

9. The observations and opinions below are based on my personal knowledge and my review of the documents referenced herein, as informed by my specialized knowledge, education, and expertise as applied to the facts and circumstances in this case. I was aided in my analysis by my colleagues at Robert Leonard Associates, who performed certain supporting tasks under my direction and control. If called upon to do so, I am able to testify competently to the matters as stated herein.

10. I submit this Reply Report pursuant to the applicable Federal Rules of Civil Procedure and Local Rules, and it describes the analysis and opinions I have reached in light of the materials provided to me. If any additional documents or information relevant to my opinions is provided to me, I reserve the right to supplement my opinions in accordance with the Rules. I further reserve the right to

testify in response to matters raised by Anthropic's attorneys or experts, or the Court.

IV. Materials Considered

11. In addition to the materials I considered in connection with my Opening Report, in forming the opinions expressed in this Reply Report, I also considered the Lustig Report, its appendices and the materials cited therein, and the other materials cited in this Reply Report.

V. Summary Opinions

12. The Lustig Report does not change any of the opinions expressed in my Opening Report.

13. The Lustig Report raises the following concerns, among which are that it:

    a. Demonstrates unfamiliarity or disregard for lyrics as a linguistic genre;

    b. Misunderstands or ignores standard procedures in the analysis of copying, textual borrowing, and plagiarism;

    c. Applies an unsupported and inconsistent methodology; and

    d. Attempts to address the question of whether or not indicia of copying occur between two works with quantification that is both unnecessary and inappropriate.

14. These flaws result in a methodology that is both unsupported by the scientific linguistic literature and that obfuscates or otherwise ignores well-established indicia of copying.

15. The Lustig Report also includes unexplained or unsupported conclusions, including, for example, the questionable labeling of "parodic intent" in Claude prompts and outputs.

VI. Dr. Lustig's Methodology Misunderstands or Ignores Lyrics as an Established Genre

16. Dr. Lustig's coding methodology ignores several well-established qualities of lyrics as a genre, and how these genre features contribute to an understanding of authorial style and expression. While sub-genres of musical styles exist within lyrics (e.g., pop, rock and roll, hip-hop), as a broader genre, the various composition categories of lyrics as well as the orthographic and morphosyntactic expectations therein are well understood. As Kreyer and Mukherjee (2007)[1] state:

> "From the point of view of a theory of presentation structures in speech and writing (cf. Esser 2000, 2006), pop song lyrics thus represent a particularly interesting and rich genre because they unite medium-independent choices, graphic medium-dependent choices and phonologically motivated medium-dependent choices." (p. 38)

17. And according to Squires (2018)[2]:

> "Among these broad findings [of lyrics as a genre] are mentions of dialect features, including nonstandard spellings representing phonetic pronunciations (Kreyer & Mukherjee 2007). In terms of morphosyntax, Werner cites the presence of the lyrics of *ain't*, copula deletion, invariant *don't*, and double negation as markers of both Americanness and African Americanness, but more generally of a 'colloquial or informal style'." (p. 28)

18. That is, as a genre, lyrics are qualified by, among other features, their "nonstandard spellings representing phonetic pronunciations", their morphosyntactic choices of words like "ain't" rather than "am/are not", and their "colloquial or informal style"—otherwise linguistically known as *register*. In other words, while Dr. Lustig finds the category "unnecessary" (Lustig Report ¶11), the lyrics' "orthography"—their written representation—is an inherent characteristic, and thus

[1] Kreyer, R. & Mukherjee, J. (2007). The Style of Pop Song Lyrics: A Corpus-linguistic Pilot Study. Anglia, 125(1), 31-58. https://doi.org/10.1515/ANGL.2007.31

[2] Squires, L. (2019). Genre and linguistic expectation shift: Evidence from pop song lyrics. Language in Society, 48(1), 1–30. doi:10.1017/S0047404518001112

was factored into my original analysis. This is clearly demonstrated by the relevant literature, e.g.,:

> "Individual marked elements that are the root of local stylistic effects in pop song lyrics include, for example, deviant spellings," (Kreyer & Mukherjee, 2007, p. 34)
>
> "Non-standard spelling is also often used to indicate deviant pronunciation." (Kreyer & Mukherjee, 2007, p. 35)
>
> "Also, the use of deviant spellings, for example, indicates that **the first encoding of pop song lyrics is written language**: spelling is a medium-dependent feature of writing. On the other hand, the free choice of lexical items and grammatical structures in a songtext is almost always restricted by the musical structure, i. e. the melody, the rhythm etc. – features that are of course bound to the spoken medium. Finally, there are style markers that are largely medium-independent, e.g. the choice of a network of lexical items from specific semantic fields," (Kreyer & Mukherjee, 2007, p. 37 emphasis added)

19. Similarly, as noted by Squires (2018):

> "The generic features of song lyrics have been investigated in several corpus analyses looking across subgenres like rock, hip-hop, R&B, metal, pop, and country. As texts, lyrics tend to be repetitive with small vocabularies […] (Murphey 1992; Kreyer & Mukherjee 2007; Werner 2012; Bértoli-Dutra 2014)." (p. 8)

20. That is, lyrics include repetition, and that repetitiveness means that the total number of unique words used within lyrics tends to be smaller than other genres of similar length that trend toward novel language throughout. This means that the entirety of a song's lyrics can be copied with fewer lines of text if repeated lines are excluded..

This is exactly the indicum of plagiarism I catalog in the category of "missing repetition" in my original analysis.

21. Finally, as is noted by Squires (2018), "Lyrics have an especially high proportion of function words (pronouns, articles, determiners)." (p. 6)

22. Research has demonstrated function words to be a useful indicator of individual style and expression. That is, despite their general occurrence frequency, the patterns and use of specific function words remains a stylistic choice of grammatical structures and meaning (e.g., definiteness, logical relations) that varies across authors and texts. As noted by Perlman (2019)[3]:

> "More precisely stated, the ideologies that subtend plagiarism and infringement are ideologies of authorship. They regiment the allowable relations between an author, her text, and the texts of others. They prescribe a minimum distance that texts must maintain between themselves in similarity space. They establish the value of authorial originality and justify the condemnation of anything that detracts from it." (p. 246)

23. As such, Dr. Lustig's practice of filtering out "words or strings that occur simply as a matter of course" removes that which is understood to be a substantial part of the genre of lyrics.

24. Unaware or otherwise dismissive of these well-established genre qualities, the Lustig Report removes both "orthography" and "missing repetition" from consideration and claims to filter out function words, thus arbitrarily eliminating a substantial portion of what identifies lyrics as a genre. As shown, this runs directly counter to how the genre is understood by the relevant linguistic literature. Further, the Lustig Report's approach of ignoring these genre qualities and then unnecessarily quantifying overlap obscures indicia of copying, contrary to the understanding of lyrics as a genre.

[3] Perlman, M. (2019). Meta-ideologies of Textuality: Authorship, Plagiarism, Copyright. Signs and Society, 7(2), 245–287. doi:10.1086/702545

25. Finally, I note that not only are these omissions problematic for the genre of language being analyzed, but also go against well-established methodological approaches to identifying indicia of copying, discussed further below. While genre-specific categories like "orthography" and "repetition" may or may not be indicia of copying, and demonstrated indicia may or may not compel a finding of copying over incidental similarity, such a determination is for the analyst to make *after* applying their methodology, not before.

VII. Dr. Lustig's Methodology Leads Him to Ignore Evidence of Copying

26. Many of the criticisms in the Lustig Report reflect Dr. Lustig's preferences for a different coding methodology untethered to any peer-reviewed linguistic literature. Dr. Lustig's methodology de-emphasizes the evidence of copying between Plaintiffs' lyrics and Claude outputs.

27. Dr. Lustig's *ad hoc* coding methodology leads him to ignore evidence of copying. For the categories of "orthographic" and "missing repetition", this issue begins as described above, but continues into the Lustig Report's treatment of the additional categories of "different" and "missing" as well.

28. The linguistic understanding of textual borrowing covers the authorial task of plagiarism analysis as it intersects with authorial style and the indicia relevant to the copying of language. This includes both direct, word-for-word verbatim plagiarism and more indirect, sophisticated approaches such as paraphrasing, word and topic reordering, and word substitution. That is to say, these strategies are well understood, and protocols for their analysis in a variety of linguistic contexts (textual borrowing, authorship, plagiarism, etc.) are well established. Nevertheless, these protocols go ignored or unconsidered by the methodology in the Lustig Report.

A. Different and Missing

29. First, Dr. Lustig unnecessarily collapses the categories of "different" and "missing" into a single category, misunderstanding the probative and well-established value of

the categories as distinct. For example, Sousa-Silva (2014a)[4] describes the plagiaristic strategy of "word substitution", which:

> "consists of replacing a word or combination of words with words of similar or identical meaning. Although these replacement words usually retain some sort of semantic relationship with the original text (such as synonymy, hyponymy or hypernymy), they can also be from a different semantic field, especially when they aim to retain the coherence with the extra-textual world." (p. 36)

30. While verbatim copying of language is the most obvious form of textual borrowing, word substitution is often considered a type of "sophisticated substitution" (Sousa-Silva, 2014a). Analyzing such a strategy of copying is unnecessarily obfuscated by collapsing text that was *not* copied with text that has been copied via more sophisticated strategies, and considering both "different" text (which may be indicative of "word substitution" or incidental non-copying similarity) and "missing" text as equivalent ignores standard practice in the analysis of potentially copied language. At best, this unnecessarily obfuscates, or, at worst, entirely removes the analyst's ability to accurately identify potential indicia of copying.

31. A well-known example of plagiarism from Coulthard, Johnson & Wright (2017)[5] demonstrates a single plagiarised passage with various indicia of textual borrowing, **emphasized** below (p. 178):

A	B	C
It is essential for all teachers to understand the history of Britain as a multiracial, multi-cultural nation.	In order for teachers to competently acknowledge the ethnic minority, it is essential to understand the history of Britain as a multi-racial, multicultural nation.	It is very important for us as educators to realize that Britain as a nation has become both multi-racial and multi-cultural.

[4] Sousa-Silva, R. (2014a). Investigating academic plagiarism: A forensic linguistics approach to plagiarism detection. International Journal for Educational Integrity, Vol. 10(1). doi: https://doi.org/10.21913/IJEI.v10i1.932

[5] Coulthard, M., Johnson, A., & Wright, D. (2017). An Introduction to forensic linguistics : language in evidence (2nd ed). Routledge. https://doi.org/10.4324/9781315630311

32. Although the excerpt above demonstrates additional indicia of textual borrowing (such as the reordering of topics and paraphrasing), the word substitutions are fairly obvious. The word "essential" becomes "very important", "(all) teachers" becomes "us as educators", and "understand" becomes "realize". Similar textbook examples—encapsulated in the "Different" category included in my analysis but conflated with "Missing" by Dr. Lustig's analysis—occur between the Lyric Find lyrics and Claude outputs, exemplified below.

Lustig Report, Appendix 2, p. 23

I'm breaking in, shaping up Then checking out on the prison bus This is it, the apocalypse	I'm entering, molding up, then bailing out on the jail bus This is it, the disaster

33. Like in the textbook examples of copying, "breaking in" becomes "entering", "shaping" becomes "molding, "prison" becomes "jail", and "apocalypse" becomes "disaster" all without changing the overall meaning (or grammatical structure) of the utterances in which they occur. These changes occur at varying levels of synonymy (with "breaking and entering" as part of a common legal doublet), hypernomy (with "prison" and "apocalypse" being hyponyms of "jail" and "disaster", respectively), or shared semantic fields (with both "bailing" and "checking" regularly co-occurring with "out", and having a related sense of leaving a situation). Conflating such instances with language which is not copied is, thus, demonstrative of ignoring what the literature agrees is a relatively obvious example of copying. Such indicia are, of course, likewise ignored by Dr. Lustig's methodology of looking to match exact syllables across strings of text.

34. Further, Sousa-Silva, Grant, and Maia (2010, p. 6)[6] note that: "Paraphrasing plays a crucial role in providing evidence of intention: a case where the original phrasing is kept, changing just a few words and omitting the sources, for example, is an obvious strategy of deception." That is, erroneously assuming that existing comparable language surrounded by otherwise (entirely or partially) similar

[6] Sousa-Silva, Grant, and Maia (2010). 'I didn't mean to steal someone else's words!': A Forensic Linguistic Approach to Detecting Intentional Plagiarism. 4th International Plagiarism Conference

language (the category of "different") is the same as language that is not copied (the category of "missing") unnecessarily obfuscates indicia relevant to the determination of whether that former "different" language was copied or incidentally similar.

B. Orthographic

35. Second, Dr. Lustig removes the "orthographic" category. Not only is this problematic for lyrics as a well-established genre, as noted above, but this also goes against well-established protocols for the assessment of indicia of copying. As Sousa-Silva (2014b)[7]notes:

> "Other instances that need consideration are punctuation and spelling (e.g., to describe cases where the source language punctuation conventions and particular spelling are brought to the target language text), as well as discourse grammar and informational organisation and packaging, to enable issues of coherence and cohesion, and aspects of theme and rheme, to be addressed." (p. 84)

36. That is, punctuation and spelling (in tandem considered "orthography") can be a useful indicum of copying that demonstrates a lower likelihood that two similar (or otherwise identical) strings of language are similar (or identical) by chance. Ignoring orthographic variation and similarity between two datasets is inconsistent with standard practice in the analysis of potentially copied language, and unnecessarily hamstrings the analyst's ability to identify potential indicia of copying.

37. Further, as Sousa-Silva et al. (2010, p. 8) note, "Automatic detection systems can be misled by introducing in the verbatim-copied text new elements (e.g., spelling mistakes or text) that do not exist in the original". That is, while lack of attention to orthographic variation can confound some methods of detecting indicia of copying, minor variations in orthography do not change the status of otherwise identical or

[7] Sousa-Silva (2014b). Detecting translingual plagiarism and the backlash against translation plagiarists, Language and Law, Vol 1(1), 70, 84

similar text as having likely been copied. Instead, good practice requires a nuanced approach to orthography (such as by considering the potential lack of probative value that orthography is likely to have for speech-to-text copying and comparisons)—not ignorance or dismissal of it.

C. Inconsistency in Coding

38. Dr. Lustig's coding is also applied inconsistently. For example, Dr. Lustig describes his "near verbatim" code as including:

> Different forms of the same word or string (e.g. "tree" vs. "trees", "I will jump" vs. "I'm going to jump"), and **equivalencies of perspective where meaningful (e.g. "I" vs. "we", "you" vs. "they**"). Note that long-range near-verbatims also occur here. (p. 17, emphasis added)

He further states that,

> "in my coding methodology, Near-Verbatim does not just include different forms of the same word ("tree" and "trees"), but also even **includes different pronouns as long as they communicate the same message**". (p. 12, emphasis added)

39. This application of the coding scheme is applied in some cases, as in the following from "American Pie" in Appendix 2, in which "I" and "we" are coded as Near-Verbatim":

Lustig Report, Appendix 2, p.55

LyricFind	Claude
But then I spent so many nights	And then we spent so many nights

40. However, the coding in Appendix 2 also shows examples of different pronouns being coded as "different" (not Near-Verbatim), as in the following, in which "we" and "I" (pronouns) from "Uptown Funk" are coded as "different".

Lustig Report, Appendix 2, p. 47–48

LyricFind	Claude
Before we leave	Before I leave

41. Likewise, in the coding of "American Pie" below, the pronouns "I" and "they" (and the contracted "'d" as similarly used in both instances), and the pronouns "you" and "me" are coded as "different", not Near-Verbatim. I also note that the question mark is coded as "different" in the LyricFind lyrics and not coded in the Claude output, despite it appearing similarly in both (and not representing a syllable).

Lustig Report, Appendix 2, p. 86,

LyricFind	Claude
With every paper I'd deliver	With every paper they'd deliver
If the Bible tells you so?	If the King tells me so?

D. Filtering out function words

42. Dr. Lustig's methodological description of filtering out function words is also inconsistent and concerning. Dr. Lustig claims that analysts should "first" filter things, and then, "Having done so, the analyst can then proceed to consider more substantive (i.e. meaningful) similarities". However, Dr. Lustig does not. Instead, Dr. Lustig "filtered out high-frequency (common) words *to the extent that they were not part of an existing string or forming a grammatical parallelism*". Lustig Report ¶23 (emphasis in original). One can not know if words are part of an existing string or forming a grammatical parallelism prior to doing an analysis. He does not explain how he processed the data to exclude "common"—presumably function(?)— words without deleting those parts of "an existing string or forming a grammatical parallelism."

43. Dr. Lustig criticizes the methodology in my Opening Report for recognizing the existence of high-frequency language but failing to "filter" it from my analysis. Lustig Report ¶22. Dr. Lustig appears to misunderstand the meaning of my Report. While common use of well-established lexical bundles are not necessarily indicia of copying, they may indeed be, depending on the context of the specific bundle and

its use. As such, as explained above, *a priori* disregarding such language inappropriately blinds the analyst to potential evidence of copying.

44. Moreover, Dr. Lustig provides no indication of what words he filtered out in his analysis, nor how he determined which words to filter out (there is no description of what quantitative threshold he determined substantiates a word being "high-frequency"). As such, his analysis is not replicable. Additionally, if by "common" words Dr. Lustig means function words, as discussed above, these are not only a substantial part of lyrics as a genre, but they are also well-understood indicators of authorial style. As discussed above, lyrics are a specific genre, and the use of language of this genre varies from the use of other genres, and broader, general uses of American English. If by "common" words Dr. Lustig instead means the most recurring words in lyrics as a genre or within an individual set of lyrics, this practice too is discounted by the understanding that in lyrics, individual words are likely to have high frequency within the data, given the repetition inherent in song structure (e.g., Squires, 2018).

45. Perhaps most concerningly, the analyses in Dr. Lustig's report do not appear to have undergone any such filtering process that he claims to have done and that he suggests should have been done. The analyses presented in Appendix 2 (and seemingly the syllable counts in Appendices 4 and 5), do not indicate that any words have been filtered out, and instead, words that may be deemed "high-frequency" (such as the word "the", which Dr. Lustig provides as an example) are shown to have been included.

VIII. Dr. Lustig's "Similarity" Calculation Obscures Assessment of Copying

46. Dr. Lustig's calculation of "similarity" obscures, rather than aids, assessment of copying. Initially, I am unaware of any peer-reviewed linguistic literature that supports counting syllables as a meaningful measure of indicia of copying.

47. As noted by Sousa-Silva (2014a, p. 35), "on the one hand, there is no correlation between the number of words [of the copying work] and the amount of borrowing

[from the copied work], and, on the other hand, between the text size and the linguistic strategies used." That is, first, the amount of language—as a measure of raw amount or proportional volume—found to have been copied does not change that language has been copied. Second, the size of the potentially copied text does not predict the linguistic strategies likely to be used to copy. In essence, good procedure in analyzing the potential for indicia of copying is not predicated on proportion of language copied (i.e., that someone copies only the first act of *Romeo and Juliet* and not the subsequent four—while a lesser proportion of the total copiable work than all five acts—does not mean that copying did not occur).

48. Dr. Lustig acknowledges that his calculation will obscure assessment of how "distinctive" the similarity between Plaintiffs' lyrics and Claude output. See Lustig Report ¶31. Dr. Lustig claims to have "tried to control" for this issue by defining "similar" more broadly, encompassing his Verbatim, Near-Verbatim, and Long-Range Verbatim categories. As explained above and in my Opening Report, categories beyond Verbatim or Near-Verbatim may contextually provide evidence of copying. In addition, in no way does a purportedly broad definition of "similarity" "control" for qualitative assessment of the overlap between Plaintiffs' lyrics and Claude output. Dr. Lustig fails to explain how the two have any relation at all.

49. The Lustig Report's "similarity" calculation is not supported by the literature. As described above, linguistic assessment of textual copying eschews numerical representations of the *amount* of copied material. Nor does the paper cited in the Lustig Report support his calculation, as it deals with the assessment of similarity between melodies, not lyrics. Indeed, the viability of the paper's formula is *explicitly* not tested on cases involving "plagiarism of lyrics":

> "For a ground-truth dataset to test the PMI method, we chose the set of 20 court decisions regarding melodic copyright infringement previously analyzed by Müllensiefen and Pendzich (2009). These decisions are a subset of the decisions available at the Music

> Copyright Infringement Resource (Cronin, 2018) selected by Müllensiefen and Pendzich because they contained clear rulings that were specifically focused on questions of melodic similarity (i.e., **excluding cases focused on plagiarism of lyrics,** unauthorized sampling of sound recordings, technicalities about the copyright registration process, etc.).” (p. 63, emphasis added)

50. Importantly, Dr. Lustig’s calculations focus on how much of the original work was reproduced (verbatim or edited) by Claude out of the total language in the work and the Claude output. See Lustig Report ¶30. However, because the denominator in Dr. Lustig’s similarity calculation incorporates the number of syllables in the Claude output, extended dissimilar passages in the Claude output may obscure the amount of the nonetheless overlapping material. That is, Dr. Lustig’s similarity metrics are affected by how much Claude produces, not just the similarity of what Claude produces.

51. Additionally, Dr. Lustig is entirely unclear what he means by “syllables”. It is easy to understand, for example, that the words “thinking” and “hoping” are both two syllables, but less straightforward to understand where the syllable boundary lies. Dr. Lustig does not, for example, code the words as “thinking” and “hoping” even though they share the same one-syllable bound morpheme “-ing”. This suggests that he must consider the syllable boundaries to fall along “thin-king” and “ho-ping” at the expense of morphological similarities between words. There are indeed multiple ways to *syllabify* words (separate them into syllables rather than merely counting syllables) that vary between, for example, the linguistic and the typographical (e.g., “app-le” in linguistics because only one [p] sound is truly produced, but “ap-ple” in various typographical conventions). Nowhere does Dr. Lustig clarify where and how he decides syllable boundaries occur and whether he does so uniformly throughout, and therefore when and how he deems syllables similar.

52. Finally, I note that the Lustig Report’s “similarity” calculation does not engage with the opinion from my Opening Report that Claude outputs reflect indicia of copying.

Even Claude outputs which fall into Dr. Lustig's "Fundamentally different" category may have up to 25% "similar" content, including content with sufficient indicia of copying to contextually eliminate other explanations for the similarity.

IX. Opinion with respect to "Parodic Intent"

53. Separate from his critique of the methodology expressed in my Opening Report, Dr. Lustig opines that certain prompts demonstrate "parodic intent". Several issues are apparent in Dr. Lustig's discussion of "parodic intent". First, he offers no definition of "parody", linguistic or otherwise. Accordingly, we are left to guess why certain prompts are categorized as such. For example, Dr. Lustig categorizes Claude's response to the prompt related to "Tik Tok" by Ke$ha as being parodic. Note that the word "parody" does not appear in the prompt itself: *"Change the lyrics of the song tiktok by ke$ha. Kidda [sic] like kidsbop. Keep the tone and rhythm from the original song. Keep the original lyrics. Just change the inappropriate parts"*. Because Dr. Lustig offers no definition of parody, nor does he specify a metric for what constitutes a parody, we are left to speculate on why either this prompt or Claude's output should be considered "parodic".

54. A similar problem is discovered in Dr. Lustig's statement that a parody "intentionally preserve[s] key structural components of the original song". As with the term 'parody', Dr. Lustig does not define structural "components" in this context. Nor does he provide a means for determining when a structural "component" becomes "key" in regards to Claude's output versus Plaintiffs' lyrics.

55. Furthermore, Dr. Lustig asks: "was the user (and in some cases, Claude) intending to create an obvious parody?" See Lustig Report, ¶36. First, Dr. Lustig does not describe any analysis by which he, for example, interviewed the individuals who submitted the prompts he calls parodic to understand the intent of the requester. Second, human users aside, Dr. Lustig seems to be ascribing anthropomorphic intent to Claude, and it is unclear on what basis or with what expertise he does so.

56. Regardless, the inclusion of the term "parody" in the prompt has no bearing on the conclusions of my analysis because Claude nevertheless outputs the lyrics of the requested songs to the degree of similarity demonstrated in my Opening Report.

57. If anything, what Claude's output demonstrates, again, is that Claude had access to the "original song", to use Dr. Lustig's phrase, enough so to respond to a request for a 'parody' by outputting materials similar to or matching Plaintiffs' lyrics. Indeed, even using his own problematic coding scheme, Dr. Lustig notes that the prompts which included the word "parody" led Claude to produce responses that were "mostly similar + fundamentally similar". See Lustig Report ¶36.

Dated: February 13, 2026

Robert Leonard

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