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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDREA BARTZ, ANDREA BARTZ, INC.,
CHARLES GRAEBER, KIRK WALLACE
JOHNSON, and MJ + KJ, INC., individually and on
behalf of others similarly situated,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 3:24-CV-05417-WHA

Action Filed: August 19, 2024

**DECLARATION OF DOUGLAS A.
WINTHROP IN SUPPORT OF
DEFENDANT ANTHROPIC PBC'S
MOTION FOR SUMMARY JUDGMENT**

Date: May 15, 2025

Time: 8:00 a.m.

Place: Courtroom 12, 19th Floor

Judge: Honorable William H. Alsup

1 I, Douglas A. Winthrop, declare:

2 1. I am a partner at the law firm of Arnold & Porter Kaye Scholer LLP and am one of
3 the attorneys representing Defendant Anthropic PBC (“Anthropic”) in this matter. I am an attorney
4 duly licensed to practice law in the State of California.

5 2. I make this declaration in support of Anthropic’s Motion for Summary Judgment. The
6 information set herein is true to the best of my knowledge, information, and belief, and if called
7 upon to testify, I could and would testify to the following:

8 3. Attached as Exhibit 1 is a true and correct copy of excerpts from the March 5, 2025
9 deposition transcript of Charles Graeber.

10 4. Attached as Exhibit 2 is a true and correct copy of excerpts from the March 7, 2025
11 deposition transcript of Andrea Bartz.

12 5. Attached as Exhibit 3 is a true and correct copy of excerpts from the March 6, 2025
13 deposition transcript of Kirk Johnson.

14 6. Attached as Exhibit 4 is a true and correct copy of excerpts of Charles Graeber’s
15 Responses to Request for Admission No. 9 dated January 28, 2025.

16 7. Attached as Exhibit 5 is a true and correct copy of excerpts of Andrea Bartz’s
17 Responses to Request for Admission No. 9 dated January 28, 2025.

18 8. Attached as Exhibit 6 is a true and correct copy of excerpts of Kirk Johnson’s
19 Responses to Request for Admission No. 9 dated January 28, 2025.

20 9. Attached as Exhibit 7 is a true and correct copy of a document titled Concise Research
21 Roadmap (ANT_BARTZ_000436674).

22 10. Attached as Exhibit 8 is a true and correct copy of Trenton Bricken et al., *Towards*
23 *Monosemanticity: Decomposing Language Models With Dictionary Learning*, [https://transformer-](https://transformer-circuits.pub/2023/monosemantic-features/index.html)
24 [circuits.pub/2023/monosemantic-features/index.html](https://transformer-circuits.pub/2023/monosemantic-features/index.html) (Oct. 4, 2023).

25 11. Attached as Exhibit 9 is a true and correct copy of Adly Templeton et al., *Scaling*
26 *Monosemanticity: Extracting Interpretable Features from Claude 3 Sonnet*, [https://transformer-](https://transformer-circuits.pub/2024/scaling-monosemanticity/)
27 [circuits.pub/2024/scaling-monosemanticity/](https://transformer-circuits.pub/2024/scaling-monosemanticity/) (May 21, 2024) (ANT_BARTZ_000001795-1866).

12. Attached as Exhibit 10 is a true and correct copy of Arc Institute, *Evo Mechanistic Interpretability Visualizer*, <https://arcinstitute.org/tools/evo/evo-mech-interp>.

13. Attached as Exhibit 11 is a true and correct copy of Garyk Brixi et al., *Genome Modeling and Design Across All Domains of Life with Evo 2*, <https://www.biorxiv.org/content/10.1101/2025.02.18.638918v1> (Feb. 21, 2025).

14. Attached as Exhibit 12 is a true and correct copy of Elana Simon & James Zou, *InterPLM: Discovering Interpretable Features in Protein Language Models via Sparse Autoencoders*, <https://www.biorxiv.org/content/10.1101/2024.11.14.623630v1> (Jan. 28, 2025).

15. Attached as Exhibit 13 is a true and correct copy of Yuntao Bai et al., *Constitutional AI: Harmlessness from AI Feedback*, <https://arxiv.org/pdf/2212.08073> (Dec. 15, 2022).

16. Attached as Exhibit 14 is a true and correct copy of Google Scholar Search Results for “*Constitutional AI: Harmlessness from AI Feedback*,” Google Scholar, https://scholar.google.com/scholar?hl=en&as_sdt=0%2C9&q=constitutional+ai%3A+harmlessness+from+AI+feedback&btnG= (last accessed March 24, 2025).

1. Attached as Exhibit 15 is a true and correct copy of Cem Anil et al., *Many-shot Jailbreaking*, https://www-cdn.anthropic.com/af5633c94ed2beb282f6a53c595eb437e8e7b630/May_Shot_Jailbreaking_2024_04_02_0936.pdf (Apr. 2, 2024) (ANT_BARTZ_000000544-577).

2. Attached as Exhibit 16 is a true and correct copy of Alex Tamkin et al., *Evaluating and Mitigating Discrimination in Language Model Decisions*, <https://arxiv.org/pdf/2312.03689> (Dec. 6, 2023).

3. Attached as Exhibit 17 is a true and correct copy of Erik Jones et al., *Forecasting Rare Language Model Behaviors*, <https://arxiv.org/pdf/2502.16797> (Feb. 24, 2025).

4. Attached as Exhibit 18 is a true and correct copy of Alex Tamkin et al., *Clio: Privacy-Preserving Insights into Real World AI Use*, <https://arxiv.org/pdf/2412.13678> (Dec. 18, 2024).

5. Attached as Exhibit 19 is a true and correct copy of Anthropic, *Claude 3.5 Sonnet for Sparking Creativity*, <https://www.youtube.com/watch?v=rHqk0ZGb6qo> (Jun. 20, 2024).

6. Attached as Exhibit 20 is a true and correct copy of Anthropic, *Introducing Claude*, <https://www.anthropic.com/news/introducing-claude> (Mar. 14, 2023).

1 7. Attached as Exhibit 21 is a true and correct copy of Anthropic, *Claude 3.5 Sonnet as*
2 *a Writing Partner*, <https://www.youtube.com/watch?v=-dWfl7Dhb0o> (June 20, 2024)
3 (ANT_BARTZ_000436709).

4 8. Attached as Exhibit 22 is a true and correct copy of Anthropic, *The University of*
5 *Sydney and Accenture Accelerate Whale Conservation with Claude*,
6 <https://www.anthropic.com/customers/university-of-sydney>.

7 9. Attached as Exhibit 23 is a true and correct copy of Anthropic, *MagicSchool*
8 *Transforms K-12 Education for 3 Million Educators and Their Students with Claude*,
9 <https://www.anthropic.com/customers/magicschool> (last accessed Mar. 16, 2025).

10 10. Attached as Exhibit 24 is a true and correct copy of Anthropic, *European Parliament*
11 *Expands Access to Their Archives with Claude*, [https://www.anthropic.com/customers/european-](https://www.anthropic.com/customers/european-parliament)
12 [parliament](https://www.anthropic.com/customers/european-parliament) (last accessed Mar. 16, 2025).

13 11. Attached as Exhibit 25 is a true and correct copy of Anthropic, *Anthropic & AWS:*
14 *Enterprise AI at scale*, [https://assets.anthropic.com/m/319d41d452322da/original/Anthropic-AWS-](https://assets.anthropic.com/m/319d41d452322da/original/Anthropic-AWS-info-sheet.pdf)
15 [info-sheet.pdf](https://assets.anthropic.com/m/319d41d452322da/original/Anthropic-AWS-info-sheet.pdf).

16 12. Attached as Exhibit 26 is a true and correct copy of Anthropic, *Steno Helps Attorneys*
17 *Find the Critical Insights in Legal Transcripts with Claude*,
18 <https://www.anthropic.com/customers/steno> (last accessed Mar. 16, 2025)
19 (ANT_BARTZ_000002487-492).

20 13. Attached as Exhibit 27 is a true and correct copy of Anthropic, *Jumpcut Helps*
21 *Hollywood Find the Next Big Script with Claude*, <https://www.anthropic.com/customers/jumpcut>
22 (last accessed Mar. 16, 2025) (ANT_BARTZ_0000002385-390).

23 14. Attached as Exhibit 28 is a true and correct copy of Anthropic, *Campfire Accelerates*
24 *Accounting with Claude*, <https://www.anthropic.com/customers/campfire> (last accessed Mar. 16,
25 2025).

26 15. Attached as Exhibit 29 is a true and correct copy of Accenture, *AWS, Accenture and*
27 *Anthropic Join Forces to Help Organizations Scale AI Responsibly*,
28

1 [https://newsroom.accenture.com/news/2024/aws-accenture-and-anthropic-join-forces-to-help-](https://newsroom.accenture.com/news/2024/aws-accenture-and-anthropic-join-forces-to-help-organizations-scale-ai-responsibly)
2 [organizations-scale-ai-responsibly](https://newsroom.accenture.com/news/2024/aws-accenture-and-anthropic-join-forces-to-help-organizations-scale-ai-responsibly) (Mar. 20, 2024).

3 16. Attached as Exhibit 30 is a true and correct copy of Danny Hernandez et al., *Scaling*
4 *Laws and Interpretability of Learning from Repeated Data*, <https://arxiv.org/pdf/2205.10487> (May
5 21, 2022).

6 17. Attached as Exhibit 31 is a true and correct copy of Chiyuan Zhang et al.,
7 *Counterfactual Memorization in Neural Language Models*, <https://arxiv.org/pdf/2112.12938> (Sept.
8 22, 2022).

9 18. Attached as Exhibit 32 is a true and correct copy of Yiheng Liu et al., *Understanding*
10 *LLMs: A Comprehensive Overview from Training to Inference*, <https://arxiv.org/pdf/2401.02038>
11 (Jan. 6, 2024).

12 19. Attached as Exhibit 33 is a true and correct copy of Jordan Hoffmann et al., *Training*
13 *Compute-Optimal Large Language Models*, <https://arxiv.org/pdf/2203.15556> (Mar. 29, 2022).

14 20. Attached as Exhibit 34 is a true and correct copy of Brando Miranda et al., *Beyond*
15 *Scale: The Diversity Coefficient as a Data Quality Metric for Variability in Natural Language Data*,
16 <https://arxiv.org/pdf/2306.13840> (Aug. 26, 2024).

17 21. Attached as Exhibit 35 is a true and correct copy of Priya Khandelwal et al., *A Guide*
18 *to Improving Long Context Instruction Following on Open Source Models*,
19 <https://scale.com/blog/long-context-instruction-following> (Sept. 26, 2024).

20 22. Attached as Exhibit 36 is a true and correct copy of Tianyu Gao et al., *How to Train*
21 *Long-Context Language Models (Effectively)*, <https://arxiv.org/pdf/2410.02660> (Oct. 3, 2024).

22 23. Attached as Exhibit 37 is a true and correct copy of Anthropic, *The Claude 3 Model*
23 *Family: Opus, Sonnet, Haiku 3* (2024) (ANT_BARTZ_000000381-422).

24 24. Attached as Exhibit 38 is a true and correct copy of Anthropic, *Model Card and*
25 *Evaluations for Claude Models 2* (2023) (ANT_BARTZ_000000367-80).

26 25. Attached as Exhibit 39 is a true and correct copy of Leo Gao et al., *The Pile: An*
27 *800GB Dataset of Diverse Text for Language Modeling*, <https://arxiv.org/pdf/2101.00027> (Dec. 31,
28 2020).

26. Attached as Exhibit 40 is a true and correct copy of Internet Archive, *About the Internet Archive*, <https://archive.org/about/> (last accessed Mar. 16, 2025).

27. Attached as Exhibit 41 is a true and correct copy of Model Data Domain Breakdown Google Sheet (ANT_BARTZ_000435165).

28. Attached as Exhibit 42 is a true and correct copy of Yuntao Bai et al., *Training a Helpful and Harmless Assistant with Reinforcement Learning from Human Feedback*, <https://arxiv.org/pdf/2204.05862> (Apr. 12, 2022) (ANT_BARTZ_000004461-534).

29. Attached as Exhibit 43 is a true and correct copy of Amanda Askell et al., *A General Language Assistant as a Laboratory for Alignment*, available at <https://arxiv.org/abs/2112.00861> (Dec. 9, 2021) (ANT_BARTZ_000002865-912).

30. Attached as Exhibit 44 is a true and correct copy of Anthropic, *Consumer Terms of Service*, available at <https://www.anthropic.com/legal/consumer-terms> (Feb. 19, 2025).

31. Attached as Exhibit 45 is a true and correct copy of WTP Valuation Model (ANT_BARTZ_000279410).

32. Attached as Exhibit 46 is a true and correct copy of Jay Peters, *HarperCollins Is Asking Authors to License Their Books for AI Training*, <https://www.theverge.com/2024/11/18/24299882/harpercollins-authors-license-books-ai-training> (Nov. 19, 2024).

33. Attached as Exhibit 47 is a true and correct copy of Authors Guild, *HarperCollins AI Licensing Deal*, <https://authorsguild.org/news/harpercollins-ai-licensing-deal/> (Nov. 19, 2024).

34. Attached as Exhibit 48 is a true and correct copy of Elsevier, *ScienceDirect: Elsevier's Premier Platform of Peer-reviewed Scholarly Literature*, <https://www.elsevier.com/products/sciencedirect> (last accessed Mar. 26, 2025).

35. Attached as Exhibit 49 is a true and correct copy of Jim Millriott, *Wiley Wraps Up Divestiture Program, Looks at AI Opportunities*, *Publisher's Weekly*, <https://www.publishersweekly.com/pw/by-topic/industry-news/financial-reporting/article/95870-wiley-wraps-up-divestiture-program-looks-at-ai-opportunities.html> (Sept. 5, 2024).

1 36. Attached as Exhibit 50 is a true and correct copy of Oxford Academic, *Our Book*
2 *Publishing Programme*, <https://academic.oup.com/pages/for-authors/books> (last accessed Mar. 27,
3 2025).
4

5 I declare under penalty of perjury under the laws of the United States of America that the
6 forgoing is true and correct.
7

8 Dated: March 27, 2025

Respectfully submitted,

9 /s/ Douglas A. Winthrop

DOUGLAS A. WINTHROP
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CERTIFICATE OF SERVICE

I, Douglas A. Winthrop, am the ECF user whose identification and password are being used to file the foregoing **DECLARATION OF DOUGLAS A. WINTHROP IN SUPPORT OF DEFENDANT ANTHROPIC PBC'S MOTION FOR SUMMARY JUDGMENT.**

Dated: March 27, 2025

/s/ Douglas A. Winthrop