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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

**DEFENDANT ANTHROPIC PBC'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

Date: May 15, 2025

Time: 8:00 a.m.

Place: Courtroom 12, 19th Floor

Judge: Honorable William H. Alsup

Pursuant to Civil Local Rule 79-5, Defendant Anthropic PBC (“Anthropic”) moves to maintain under seal Exhibits 41 and 46; portions of the Declarations of Jared Kaplan, Tom Turvey, and Steven R. Peterson in Support of Anthropic’s Motion for Summary Judgment; and Anthropic’s Notice of Motion and Motion for Summary Judgment and Memorandum of Points and Authorities in Support. These documents reflect and reveal highly confidential, nonpublic Anthropic business and technical information.

Anthropic respectfully requests that this information be sealed so that it remains confidential for the reasons detailed in the Declaration of Jared Kaplan in Support of Defendant Anthropic PBC’s Administrative Motion to Seal (“Kaplan Sealing Declaration”) and as set forth in the Proposed Order, which is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed, and also attaches proposed redacted versions of each document sought to be sealed.

I. LEGAL STANDARD

A party seeking to seal material is required to establish that the document, or portions thereof, are sealable. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79, 1182 (9th Cir. 2006). Where the underlying filing is “more than tangentially related to the merits of a case,” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097, 1101-02 (9th Cir. 2016), the moving party must make a showing of “compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure,” *Kamakana*, 447 F.3d at 1178-79 (citation omitted).

The Ninth Circuit also recognizes that preventing the release of proprietary information and/or trade secrets is a compelling reason that overrides this strong presumption. *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011) (“The publication of materials that could result in infringement upon trade secrets has long been considered a factor that would overcome this strong presumption.”). Examples of what might constitute a compelling reason to seal include “sources of business information that might harm a litigant’s competitive standing.” *Ctr. for Auto Safety*, 809 F.3d at 1097 (quoting *Nixon v. Warner Commc ’ns, Inc.*, 435 U.S. 589, 598-99 (1978)); *U.S. Ethernet Innovations, LLC v. Acer, Inc.*, 2014 WL 6664621, at *1 (N.D. Cal. Nov. 24, 2014) (finding

1 compelling reasons to seal “proprietary literature describing the structure, configuration, and
2 operation of the ... technology”); *Guzik Tech. Enters., Inc. v. W. Digit. Corp.*, 2013 WL 6092852,
3 at *11-12 (N.D. Cal. Nov. 19, 2013) (granting motion to seal confidential information regarding the
4 plaintiff’s technology where the disclosure of that information would harm the plaintiff’s
5 competitive standing).

6 **II. THERE ARE COMPELLING REASONS TO SEAL**

7 Anthropic respectfully requests that this Court seal the documents listed below because they
8 contain Anthropic’s highly confidential and trade secret information such that the public disclosure
9 of this highly sensitive information would cause competitive injury to Anthropic. In making this
10 request, Anthropic has carefully considered the legal standard and sought to seal the narrowest
11 portions of documents on the public docket as possible, such that no less restrictive alternative to
12 sealing is available.

13 In particular, as set forth in the Kaplan Sealing Declaration, the information that Anthropic
14 seeks to seal comprises highly confidential and trade secret information regarding Anthropic’s
15 internal business strategies and AI training processes, including competitively sensitive details
16 about the acquisition, development, training, and costs of Anthropic’s models. Kaplan Sealing
17 Decl., ¶ 3. This includes, for example, internal assessments of how Anthropic values different
18 categories and sources of data for model training. *Id.*, ¶ 4. This information also reveals the
19 composition of model training data mixes, the sources and categories of data used for training, and
20 the type and number of tokens needed to train Anthropic’s models. *Id.*, ¶ 5. Further, the information
21 reveals details about the technological guardrails that Anthropic designed to filter out copyrighted
22 content. *Id.*, ¶ 6. Lastly, the information also reveals confidential business strategies and data such
23 as the substance of negotiations or the commercial terms of its agreements with third parties for the
24 acquisition of content and Claude’s user base. *Id.*, ¶¶ 7-8. Anthropic limits disclosure of this
25 information. Public disclosure would create a significant risk of competitive harm for Anthropic
26 because competitors could utilize it to modify their own business strategies and technical practices
27 in order to gain a competitive advantage over Anthropic. *Id.* Such harm could not be avoided by
28 less restrictive means than the narrowly tailored sealing of these documents.

Anthropic has also sought to seal the narrowest portions of this information as possible and which Anthropic had originally designated under the Protective Order. It seeks to seal only the following information:

ECF	Document	Portions to Seal (Page:Lines)
119-4	Exhibit 41 – Model Data Domain Breakdown Google Sheet [ANT_BARTZ_000435165]	Entire document
119-5	Exhibit 45 – WTP Valuation Model [ANT_BARTZ_000279410]	Entire document
119-6	Kaplan Declaration ISO Motion for Summary Judgment	Yellow highlighted portions of ¶¶ 18-19, 39, 46, 48-53, 55, 66, 68
119-7	Turvey Declaration ISO Motion for Summary Judgment	Yellow highlighted portions of ¶¶ 12-13, 15, 17, 19-27, 32-36, 38-45, 47-49
119-8	Peterson Declaration ISO Motion for Summary Judgment	Yellow highlighted ¹ portions of ¶¶ 15, 56-57, 65-67, 70
119-9	Notice of Motion and Motion for Summary Judgment	Yellow highlighted ² portions at 1:18, 3:13-15, 5:12-15, 7:7, 8:1-5, 8:7-14, 8:20, 9:2-3, 16:15-16, 18:8, 21:26-27, 22:8-9, 23:7, 23:9

III. CONCLUSION

For the foregoing reasons, Anthropic respectfully requests that this Court grant this administrative motion.

¹ This document also includes proposed redactions in blue highlight as it is the subject of a concurrently filed Administrative Motion to Consider Whether Another Party's Material Should Be Sealed.

² This document also includes proposed redactions in blue highlight as it is the subject of a concurrently filed Administrative Motion to Consider Whether Another Party's Material Should Be Sealed.

Dated: March 27, 2025

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Douglas A. Winthrop
DOUGLAS A. WINTHROP

Attorneys for Defendant
ANTHROPIC PBC

CERTIFICATE OF SERVICE

I, Douglas A. Winthrop, am the ECF user whose identification and password are being used to file the foregoing **DEFENDANT ANTHROPIC PBC's ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL.**

Dated: March 27, 2025

/s/ Douglas A. Winthrop