

DOUGLAS A. WINTHROP (Bar No. 183532)
 Douglas.Winthrop@arnoldporter.com
 JOSEPH FARRIS (Bar No. 263405)
 Joseph.Farris@arnoldporter.com
 JESSICA L. GILLOTTE (Bar No. 333517)
 Jessica.Gillotte@arnoldporter.com
 ESTAYVAINE BRAGG (Bar No. 341400)
 Estayvaine.Bragg@arnoldporter.com
**ARNOLD & PORTER KAYE SCHOLER
 LLP**
 Three Embarcadero Center, 10th Floor
 San Francisco, CA 94111-4024
 Telephone: (415) 471-3100
 Facsimile: (415) 471-3400

MARK LEMLEY
 mlemley@lex-lumina.com
LEX LUMINA LLP
 700 S. Flower Street, Suite 1000
 Los Angeles, CA 90017
 Telephone: (213) 600-6063

ANGEL T. NAKAMURA (Bar No. 205396)
 Angel.Nakamura@arnoldporter.com
 OSCAR RAMALLO (Bar No. 241487)
 Oscar.Ramallo@arnoldporter.com
 ALLYSON MYERS (Bar No. 342038)
 Ally.Myers@arnoldporter.com
**ARNOLD & PORTER KAYE SCHOLER
 LLP**
 777 South Figueroa Street, 44th Floor
 Los Angeles, CA 90017-5844
 Telephone: (213) 243-4000
 Facsimile: (213) 243-4199

JOSEPH R. WETZEL (Bar No. 238008)
 joe.wetzel@lw.com
 ANDREW M. GASS (Bar No. 259694)
 andrew.gass@lw.com
LATHAM & WATKINS LLP
 505 Montgomery Street, Suite 2000
 San Francisco, CA 94111
 Telephone: (415) 391-0600
 Facsimile: (415) 395-8095

Attorneys for Defendant ANTHROPIC PBC

**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**

Judge: Honorable William H. Alsup

Pursuant to Civil Local Rule 79-5, Defendant Anthropic PBC (“Anthropic”) moves to maintain under seal certain documents that are the subject of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed. (ECF No. 121.). Some of the documents provisionally filed by Plaintiffs under seal 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 compelling reasons to seal “proprietary literature describing the structure, configuration, and

operation of the ... technology”); *Guzik Tech. Enters., Inc. v. W. Digit. Corp.*, 2013 WL 6092852, at *11-12 (N.D. Cal. Nov. 19, 2013) (granting motion to seal confidential information regarding the plaintiff’s technology where the disclosure of that information would harm the plaintiff’s competitive standing).

II. THERE ARE COMPELLING REASONS TO SEAL

As a threshold matter, with respect to Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (ECF No. 121), Anthropic is not moving to file under seal (in part or in its entirety) the following exhibits that were provisionally sealed by Plaintiffs:

- ECF 121-9: Miller Decl. Exhibit 14
- ECF 121-10: Miller Decl. Exhibit 32
- ECF 121-10: Miller Decl. Exhibit 33
- ECF 121-10: Miller Decl. Exhibit 34
- ECF 121-10: Miller Decl. Exhibit 35
- ECF 121-10: Miller Decl. Exhibit 36
- ECF 121-10: Miller Decl. Exhibit 37
- ECF 121-10: Miller Decl. Exhibit 38

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

As set forth in the Kaplan Sealing Declaration, the information reveals (i) Anthropic’s selection and use of a datasets for experimentation, training, and research of models (*id.* ¶ 3), (ii) internal assessments of the value of categories of data from different sources, including how it values categories of data relative to each other (*id.* ¶ 4), (iii) the composition of model training data mixes, and the sources and categories of data used for training (*id.* ¶¶ 4-5), (iv) the specific techniques and methodologies about the technological guardrails that Anthropic designed to inhibit the replication

of copyrighted content (*id.* ¶ 6), (v) Anthropic’s confidential negotiations or the commercial terms of its agreements with third parties for the acquisition of content (*id.* ¶ 7), (vi) Anthropic’s strategy and approach to data acquisition (*id.* ¶ 8), and (vii) financial details regarding Anthropic’s equity stakes in preferred stock and convertibles, including the names of its individual shareholders. (*id.* ¶ 9).

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	Reason
	Ex. A [Proposed redactions to Zhao Decl. Exhibit C]	Portions highlighted in yellow	Summarizes and reveals the name of Anthropic datasets, including individual contents of those datasets.
	Ex. B [Proposed redactions to Zhao Decl. Exhibit D]	Portions of footer on pages 14-24, 26-36, 50-60, 62-72, 86-96, 98-108 highlighted in blue	Reveals the names of certain datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic’s research and development models that were not commercially released.
121-8	Miller Decl. Exhibit 1: Anthropic PBC’s First Supplemental Objections and Responses to Plaintiffs’ First Set of Interrogatories (Nos. 1-5)	Portions highlighted in yellow	pp.4-7: Summarizes and reveals the name of Anthropic datasets, including the source and contents of those datasets and differences in which datasets have been used to train commercial Claude models. pp.7-8: Summarizes and reveals technical details on how Anthropic processes data for training commercial Claude models.
121-8	Miller Decl. Exhibit 2: Anthropic PBC’s Second Supplemental Objections and Responses to Plaintiffs’	Portions highlighted in yellow	pp. 3-4: Summarizes and reveals how Anthropic processes data when performing work developing its models.

1		Second Set of Interrogatories (Nos. 6-13)		pp. 4-5, 12: Reveals the name of Anthropic datasets. p. 7: Summarizes and reveals financial details of investments in Anthropic via equity stakes in preferred stock and convertibles, including the names of individual shareholders. p. 9: Reveals Anthropic's internal project names associated with each of its models. pp. 10-12: Summarizes and reveals the source and contents of Anthropic's datasets, including technical details regarding how that data is obtained and processed.
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13	121-8	Miller Decl. Exhibit 3: Anthropic PBC's First Supplemental Objections and Responses to Plaintiffs' Third Set of Interrogatories (Nos. 14-17)	Portions highlighted in yellow	pp. 3-4: Reveals details about the technological guardrails that Anthropic designed to inhibit the replication of copyrighted content. pp. 6-7: Summarizes and reveals the name, source and contents of Anthropic's datasets, including technical details regarding how that data is obtained and processed.
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20		Ex. C [Proposed redactions to Miller Decl. Exhibit 4: Anthropic PBC's First Supplemental Objections and Responses to Plaintiffs' First Set of Requests for Admissions (Nos. 1-15)]	Portions highlighted in yellow	Summarizes and reveals the name, source and contents of Anthropic's datasets.
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24		Ex. D [proposed redactions to Miller Decl. Exhibit 5: Anthropic PBC's First Supplemental Objections and Responses to Plaintiffs' Second Set of Requests for Admissions (Nos. 16-17)]	Portions highlighted in yellow	Summarizes and reveals the name, source and contents of Anthropic's datasets.
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	Ex. E [proposed redactions to Miller Decl. Exhibit 6: Excerpts of the Deposition of Pranay Sangani]	Portions highlighted in yellow	Summarizes and reveals the name, source and contents of Anthropic's datasets, including technical details regarding how that data is obtained and processed.
121-8	Miller Decl. Exhibit 7: Exhibit 3 to Deposition of Pranay Sangani	Entirety	Summarizes and reveals the name, source and contents of Anthropic's datasets used in different models of Claude.
121-8	Miller Decl. Exhibit 8: Bates numbered ANT_BARTZ_000003492-3	Entirety	Reveals Anthropic's business sensitive assessments of the value of categories of data, for model training, and how it thinks about valuation of data generally and specifically.
121-8	Miller Decl. Exhibit 9: Bates numbered ANT_BARTZ_000004587-8	Entirety	Summarizes and reveals the source and contents of Anthropic's datasets, including operational details on how that information is obtained and processed.
121-8	Miller Decl. Exhibit 10: Bates numbered ANT_BARTZ_000004031-7	Entirety	Reveals confidential negotiations and proposed commercial terms of an agreement with a third party for the acquisition of content (to be used for model training), disclosing the source of Anthropic's datasets and operational details on how that information is obtained and processed.
121-8	Miller Decl. Exhibit 11: Bates numbered ANT_BARTZ_000004327	Entirety	Reveals the source of Anthropic dataset, including the methodology of how such content is obtained, that have been used to train different commercial Claude models.
121-8	Miller Decl. Exhibit 12: Bates numbered ANT_BARTZ_000144504-9	Entirety	Summarizes and reveals Anthropic's business sensitive assessments and strategy over a period of eight months in obtaining books datasets, including

			the source of and the methodology for obtaining the datasets, that have been used to train different commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models.
121-8	Miller Decl. Exhibit 13: Bates numbered ANT_BARTZ_000029063-29171	Entirety	Reveals Anthropic's engineers' business sensitive internal notes on the training process, including Anthropic's brainstorming of processes for filtering various types of training data, charts showing data testing results for Anthropic's specific selection and mix of training data, and research into how the data is processed during training.
121-9	Miller Decl. Exhibit 15: Bates numbered ANT_BARTZ_000005492	Entirety	Summarizes and reveals Anthropic's business sensitive books data acquisition strategy for datasets that have been used to train commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data Anthropic uses when training its models.
121-9	Miller Decl. Exhibit 16: Bates numbered ANT_BARTZ_000003441-2	Entirety	Reveals highly confidential business sensitive partnership and financial forecasting information, including assessments relating to commercial model efficiencies.
	Ex. F [proposed redactions to Miller Decl. Exhibit 17: Bates numbered ANT_BARTZ_000002604]	Portions highlighted in yellow	Reveals commentary from Anthropic's executives regarding business sensitive books data acquisition strategy for datasets that have been used to train commercial Claude models. The source of and

			methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models.
	Ex. G [proposed redactions to Miller Decl. Exhibit 18: Bates numbered ANT_BARTZ_000389738-9]	Portions highlighted in yellow	Reveals commentary from Anthropic's executives regarding business sensitive data acquisition strategy for datasets that have been used to train commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models.
121-9	Miller Decl. Exhibit 19: Bates numbered ANT_BARTZ_000389773-5	Entirety	Reveals the names and data acquisition strategy of certain datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released.
121-9	Miller Decl. Exhibit 20: Bates numbered ANT_BARTZ_000391318-20	Entirety	Reveals the names and data acquisition strategy of certain datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released.
121-9	Miller Decl. Exhibit 21: Bates numbered ANT_BARTZ_000394794	Entirety	Reveals discussion of potential data acquisition strategy of a potential dataset Anthropic considered using in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released.

121-9	Miller Decl. Exhibit 22: Bates numbered ANT_BARTZ_000034918	Entirety	Reveals the names and data acquisition strategy of certain datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released.
121-9	Miller Decl. Exhibit 23: Bates numbered ANT_BARTZ_000006363-90	Entirely	Reveals and reflects Anthropic's data acquisition strategy of certain datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released.
121-9	Miller Decl. Exhibit 24: Bates numbered ANT_BARTZ_000415587-9, ANT_BARTZ_000415597-9	Entirety	Summarizes and reveals Anthropic's business sensitive assessments, strategy, and decisions over a period of three months in obtaining datasets, including the source of and the methodology for obtaining the datasets, that have been used to train different commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models.
121-9	Miller Decl. Exhibit 25: Bates numbered ANT_BARTZ_000004936-51	Entirety	Reveals details about Anthropic's business sensitive assessments and evaluations on tokens used in training. Reveals details about Anthropic's methodology of obtaining datasets that have been used to train commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes

			of data to use in training Anthropic's models.
121-9	Miller Decl. Exhibit 26: Bates numbered ANT_BARTZ_000209219- 235	Entirety	Reveals details about Anthropic's methodology of obtaining datasets that have been used to train commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models.
	Ex. H [proposed redactions to Notice of Motion and Motion for Class Certification]	Portions highlighted in orange at pp. i-iii, 1-9, 11-12, 14-21, 24-25	pp. i-iii, 1-9, 12, 17-19, 24: Reveals the business sensitive details of, and communications about, Anthropic's data acquisition strategy of certain datasets and the identities of those datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released. Specifically identifies datasets that Anthropic currently uses in training its models and those it no longer uses. pp. 8-9, 11-12, 14-18, 20-21, 25: Reveals business sensitive details and communications about Anthropic's methodology of obtaining certain books datasets, and the identities of those datasets, that have been used to train commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models. pp. 6, 8: Reveals internal assessments of the value of categories of data from different sources, including

			how it values categories of data relative to each other.
	Ex. I [proposed redactions to Declaration of Ben Y. Zhao]	Portions highlighted orange at pp. 2, 5-21, 24-30, 32-34	pp. 2, 5-7, 10-15, 20, 24-26: Reveals the business sensitive details of, and communications about, Anthropic's data acquisition strategy of certain datasets and the identities of those datasets that Anthropic has used in experimentation, training, and research with at least one of Anthropic's research and development models that were not commercially released. Specifically identifies datasets that Anthropic currently uses in training its models and those it no longer uses. pp. 2, 5-11, 15-21, 24-26, 29-30, 32-34: Reveals business sensitive details and communications about Anthropic's methodology of obtaining certain books datasets, and the identities of those datasets, that have been used to train commercial Claude models. The source of and methodology for obtaining these datasets reflects choices about which mixes of data to use in training Anthropic's models. pp. 8, 27-29 Summarizes and reveals technical details on how Anthropic processes data for training commercial Claude models. pp. 9, 30, 32-34: Reveals internal assessments of the value of categories of data from different sources, including how it values categories of data relative to each other.
	Ex. J [proposed redactions to Declaration of Jacob S.]	Portions highlighted in orange at pp. i-	Discloses the names of exhibits that reveal business sensitive information about

	Miller in Support of Class Certification]	iii, 1-9, 11-12, 14-21, 24-25	Anthropic's data acquisition strategy.
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III. CONCLUSION

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

Dated: April 3, 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: April 3, 2025

/s/ Douglas A. Winthrop