



OCEAN TOMO®

A PART OF  JS|HELD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

**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

DECLARATION OF JAMES E. MALACKOWSKI

April 24, 2025

I. INTRODUCTION AND ASSIGNMENT

1. My name is James E. Malackowski. I am a Co-founder and Senior Managing Director of Ocean Tomo, LLC, a part of J.S. Held. Ocean Tomo provides Financial Expert, Management Consulting, and Advisory services related to intellectual property (“IP”). With more than 100 offices globally, J.S. Held assists clients – corporations, insurers, law firms, governments, and institutional investors – on complex technical, scientific, and financial matters across all assets and value at risk. My qualifications and professional experience are discussed in more detail in Section II below.

2. On April 1, 2025, I was retained by plaintiffs Andrea Bartz, Andrea Bartz, Inc., Charles Graeber, Kirk Wallace Johnson, and MJ + KJ, Inc., individually and on behalf of others similarly situated (“Plaintiffs”) through counsel, Lieff Cabraser Heimann & Bernstein, LLP and Susman Godfrey LLP (“Counsel”) as an expert in this matter.

3. I have been asked by Counsel to evaluate whether there are existing or likely to develop markets for: (a) the sale of Plaintiffs’ books and/or (b) use of Plaintiffs’ books for training of large language models (“LLMs”). I have also been asked to evaluate whether [REDACTED]

[REDACTED]

Finally, I have been asked to review and respond to the Declaration of Steven R. Peterson in Support of Defendant Anthropic PBC’s Administrative Motion for Summary Judgment dated March 27, 2025 (“Peterson Declaration”).

4. I reserve the right to modify or supplement my opinions, as well as the basis for my opinions, in light of any documents, testimony, or other evidence that may emerge during the course of this matter, including additional deposition testimony or newly produced documents. It is also my understanding that one or more of Anthropic’s experts may submit an expert report

responding to this report. I reserve the right to rebut any positions taken in that report or any evidence raised in that report that I have not previously considered.

5. Ocean Tomo is presently being compensated for my work in this matter at a rate of \$1,600 per hour. Other Ocean Tomo consultants are assisting me in this engagement and are being compensated at various rates that are less than \$1,600 per hour. No part of Ocean Tomo's compensation depends on the outcome of this litigation.

II. QUALIFICATIONS AND PROFESSIONAL EXPERIENCE

6. A detailed list of my qualifications is described within **Appendix 1**, including a listing of my prior testimony and published works. My experience in the development of new markets was recognized by my induction into the IP Hall of Fame in 2022, chosen by the IP Hall of Fame Academy from a long list of nominees put forward by the global IP community. Notably, I was recognized by the Academy in 2022 with the Q. Todd Dickinson Award, which honors those who have made significant contributions to IP as a business asset.

7. In 2011, I was selected by the World Economic Forum as one of less than twenty members of the Network of Global Agenda Councils to focus on questions of IP policy including specific consideration of my experience developing the first large scale public auction market for the sale of intellectual property.

8. For five years I served on the Standards Development Organization Board of the Licensing Executives Society (USA & Canada), Inc. governing voluntary consensus-based professional practices that are guided in their development by the American National Standards Institute's (ANSI's) Essential Requirements. LES standards are designed to encourage and teach consensus practices in many of the business process aspects of intellectual capital management necessary to further an efficient market for these assets.

9. I serve as an executive committee member for both the Global Intellectual Property Alliance and its affiliate, the United States Intellectual Property Alliance (USIPA). The USIPA has a three-pronged mandate to drive awareness and education, enable ecosystem collaboration, and facilitate diversity and inclusion. USIPA brings together all interested stakeholders in IP creation, protection, and enablement to more efficiently and effectively utilize intellectual property for the benefit of society.

10. I have been a frequent speaker on emerging technology markets and related financial measures. I have addressed mass media audiences including Bloomberg Morning Call, Bloomberg Evening Market Pulse, Bloomberg Final Word, CNBC Closing Bell, CNBC On the Money, CNBC Street Signs, CNBC World Wide Exchange, CBS News Radio, and Fox Business National Television, as well as other recognized news-based internet video channels.

11. I am a frequent instructor for graduate studies on IP management and markets and a Summa Cum Laude graduate of the University of Notre Dame majoring in accountancy and philosophy. I am Certified/Accredited in Financial Forensics, Business Valuation and Blockchain Fundamentals. I am a Certified Licensing Professional and a Registered Certified Public Accountant in the State of Illinois.

III. MATERIALS REVIEWED

12. In connection with my analysis, I have considered the following types of records and information:

- Legal filings and case pleadings associated with this matter, including Defendant's Motion for Summary Judgment and associated exhibits;
- Documents produced by the Plaintiffs, Defendant, and third parties in this matter;

- Publicly-available materials regarding the relevant parties, markets, technology, and AI LLM licensing history;
- Declaration submitted on April 24, 2025 by Ben Y. Zhao, Ph.D., Neubauer Professor of Computer Science at University of Chicago,¹ and Plaintiffs' machine learning expert;
- Declarations submitted by the following individuals in support of Defendant motions:
 - Jared Kaplan, Chief Science Officer of Anthropic PBC, March 27, 2025;²
 - Steven R. Peterson, Partner at Econic Partners, and Defendant's economic expert, March 27, 2025;³
 - Tom Turvey, Vice President of Product Partnerships at Anthropic, March 27, 2025;⁴
- The deposition transcripts of the following witnesses for Plaintiffs (and associated exhibits):
 - Charles Andrew Graeber, Author, March 5, 2025;⁵
 - Kirk Wallace Johnson, Author, March 6, 2025;⁶
 - Andrea Marie Bartz, Author, March 7, 2025;⁷
- The deposition transcript of Thomas Turvey, Vice President of Product Partnerships at Anthropic, April 10, 2025⁸ (and associated exhibits).

¹ Zhao Declaration, April 24, 2025, ¶ 1.

² Kaplan Declaration, March 27, 2025, ¶ 1.

³ Peterson Declaration, March 27, 2025, ¶ 1.

⁴ Turvey Declaration, March 27, 2025, ¶ 1.

⁵ Deposition of Charles Graeber, March 5, 2025, Exhibit 1.

⁶ Deposition of Kirk Johnson, March 6, 2025, Exhibit 24.

⁷ Deposition of Andrea Bartz, March 7, 2025, Exhibit 47.

⁸ Deposition of Thomas Turvey, April 10, 2025, Exhibit 9; Turvey Declaration, March 27, 2025, ¶ 1.

13. A detailed listing of documents considered to date is included in **Appendix 2**. References to documents and testimony herein are meant to provide examples of supporting information but are not intended to be a comprehensive or exhaustive list of all known support.

IV. SUMMARY OF OPINIONS

14. In my opinion, based on the facts and circumstances of this matter, and my professional experience and training:

- [REDACTED]
- [REDACTED]
- There is an emerging market for books for LLM training and Anthropic's conduct, especially if prevalent, harms this likely-to-develop market;
- Dr Peterson's analysis regarding the market is incorrect and fails to support his conclusion that a market is "impracticable."

V. CASE BACKGROUND

15. Based on the operative Complaint, and additional information developed in the case, I understand Plaintiffs are authors and their loan-out companies who have sued Anthropic for Copyright Infringement based on Anthropic's unauthorized reproduction of their books for various uses.

16. Anthropic is one of many companies that offers LLM products, and there is intense competition between and among certain companies in the industry.⁹ LLM companies want data, and high-quality training data.¹⁰ There are numerous reported licenses for content between, on

⁹ O'Brien, Matt, "AI 'gold rush' for chatbot training data could run out of human-written text," Associated Press, June 6, 2024, <https://apnews.com/article/ai-artificial-intelligence-training-data-running-out-9676145bac0d30ecce1513c20561b87d>.

¹⁰ Kaplan Declaration, March 27, 2025, ¶¶ 38 – 42; O'Brien, Matt, "AI 'gold rush' for chatbot training data could run out of human-written text," Associated Press, June 6, 2024, <https://apnews.com/article/ai-artificial-intelligence-training-data-running-out-9676145bac0d30ecce1513c20561b87d>.

the one hand, named or unnamed LLM companies and, on the other, content creators (or their agents or intermediaries).¹¹

17. I understand Anthropic has [REDACTED]

[REDACTED]

[REDACTED].¹² According to Dr. Zhao, [REDACTED]

[REDACTED].¹³

18. [REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED]¹⁷

VI. APPLICABLE MARKET PRINCIPLES

20. I am not an attorney, but I understand a relevant question is whether a market for the at issue works exists or is likely to develop.

21. To address this portion of my assignment, I first consider core economic principles of markets. While market definitions vary and can be context specific, at a basic level, a market is a system or environment where buyers and sellers interact to exchange goods or services.¹⁸ In my decades of experience evaluating and building markets in connection with technology and

¹¹ Association of American Publishers, Amicus Curiae Brief in Support of Plaintiffs, *Kadrey, et al., v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D. Cal. Apr. 11, 2025), p. 12; Patterson, Jessica, "AI content licensing lessons from Factiva and TIME," *Digital Content Next*, March 6, 2025, <https://digitalcontentnext.org/blog/2025/03/06/ai-content-licensing-lessons-from-factiva-and-time/>.

¹² Zhao Declaration, April 24, 2025, Section V.

¹³ Zhao Declaration, April 24, 2025, Section V.

¹⁴ ANT BARTZ 000005492.

¹⁵ [REDACTED]

¹⁶ ANT BARTZ 000201183 – 194 at 183.

¹⁷ Zhao Declaration, April 24, 2025, Section V.

¹⁸ Mankiw, N. Gregory, "Principles of Economics (7th ed.)," Cengage Learning, 2015, p. 66.

intellectual property, there are several key building blocks – in other words, defining characteristics or features – that are present in a market. Such key building blocks include:

- Willing buyers with demand for a good or service;
- Willing sellers with supply to meet that demand;
- Pricing mechanisms to determine the value of the good or service;
- Intermediaries or other platforms that facilitate the exchange of the good or service; and
- Executed transactions between willing buyers and willing sellers.

22. Such building blocks indicate the presence of an emerging market, particularly if there is sufficient supply and demand. With significant demand, new suppliers enter the market to capitalize on the market opportunity, furthering supply. More developed or sophisticated intermediaries enter, facilitating transactions and driving market efficiencies. To the extent these aspects become well developed, a more efficient market ensues, leading to stronger competition and better-defined pricing.

23. Markets exhibit diverse structures and can be at different stages of organization or development. A less organized or less developed market is a market nonetheless.¹⁹ Indeed, perfect competition is theoretical. Real markets are never perfect. Transaction costs, imperfect information, non-homogenous products and other inefficiencies are realities in any marketplace. The presence of such inefficiencies does not indicate the absence of a market or absence of a likely to develop market. In fact, other markets were able to form and function amidst many challenges and inefficiencies, as highlighted in Section VII and **Appendix 3**.

¹⁹ Mankiw, N. Gregory, "Principles of Economics (7th ed.)," Cengage Learning, 2015, p. 66.

VII. HISTORIC DEVELOPMENT OF IP AND TECHNOLOGY MARKETS AS RELEVANT TO THE BOOK-RELATED MARKETS HERE

24. In my opinion, and based on my experience and training, IP markets have demonstrated significant adaptability in response to technological change. For example, the establishment of the Court of Appeals for the Federal Circuit (“CAFC”) in the early 1980s led to more consistency in patent law, strengthening patent rights and making it more attractive to invest in new technologies. A stable legal environment encouraged patent licensing and monetization, growing the IP marketplace and leading to greater technological development, benefiting inventors and commercial implementors.²⁰

25. In the early 2000s, the evolution of the IP market continued with the introduction of aggregators and intermediaries, specifically, “novel and intriguing” intermediaries emerged to bring more liquidity to the patent market.²¹ Patent pools, for example, emerged to bundle patents from multiple holders, offering them collectively to the marketplace.²² Such a collective approach simplifies the licensing process, reduces transaction costs, and facilitates access to a broader range of IP, as well as reduces the likelihood of litigation.²³ The involvement of intermediaries, in and out of the IP context, is an indicia of a growing or existing market.

26. The maturing of the digital age has enhanced the growth of IP markets. IP markets have developed to facilitate the exchange of artistic works and inventions. After Napster’s peer-

²⁰ Mazzoleni, Roberto & Nelson, Richard R., “Economic Theories about the Benefits and Costs of Patents,” *Journal of Economic Issues*, Dec., 1998, Vol. 32, No. 4 (Dec., 1998), pp. 1031 – 1034.

²¹ Hagiu, Andrei and Yoffie, David, “Intermediaries for the IP market,” *Harvard*, 2011, https://www.hbs.edu/ris/Publication%20Files/12-023_0e95cdce-abbf-46ea-b8cb-15a3ebb054ed.pdf, p. 1; *See Also*: Nawotka, Ed, “Created by Humans AI Rights Platform Launches for Authors,” *Publishers Weekly*, January 14, 2025, <https://www.publishersweekly.com/pw/by-topic/digital/content-and-e-books/article/96846-created-by-humans-launches-ai-rights-platform-for-authors.html>.

²² Renaud, Michael, et. al, “The Patent Pool Explained: An Effective Mechanism When the Burden is Shared,” *IP Watchdog*, October 30, 2020, <https://ipwatchdog.com/2020/10/30/the-patent-pool-explained-an-effective-mechanism-when-the-burden-is-shared/id=126859/>.

²³ “The Evolution of IP Standards and Patent Pools: A Historical Overview,” *TheLaw.Institute*, January 29, 2024, <https://thelaw.institute/management-of-iprs/evolution-ip-standards-patent-pools-history/#the-emergence-of-patent-pools-collaborative-ip-management>.

to-peer file sharing platform encountered legal challenges due to its failure to respect copyrights in music, the music industry developed new markets and technology platforms to distribute and consume music while compensating musicians for their artistic works (e.g., iTunes, Spotify, Apple Music).²⁴ For example, Spotify is required to pay royalties to record labels, music publishers, and other copyright owners in order to stream content.²⁵ On Spotify, listeners can “enjoy over 100 million tracks, 6.5 million podcast titles, and 350,000 audio books...”²⁶ Thus, Spotify is “party to many license agreements that are complex and impose numerous obligations” and its “royalty payment system is complex.”²⁷ Yet, Spotify has successfully navigated the development of this market to become “the world’s most popular audio streaming subscription service...”²⁸

27. YouTube provides an example of how technology companies can put systems in place to simultaneously direct revenue to content creators while respecting intellectual property rights, despite dealing with many different rights holders. The YouTube Partner Program (“YPP”) allows its more than 3 million content creators around the world to monetize their content.²⁹ Over the last three years, creators, artists and media companies have earned more than \$70 billion under the YPP.³⁰ At the same time, YouTube provides its Content ID system to easily identify and manage copyright-protected content. The system allows a copyright owner to file a claim against others for the unauthorized use of the copyright owner’s content.³¹ Through this process, owners

²⁴ Kumari, Bhawna, “Major Summary of Napster Case and Post-Napster Developments,” *Corpbiz*, July 5, 2023, <https://corpbiz.io/learning/major-summary-of-napster-case-and-post-napster-developments/>, p. 5.

²⁵ Spotify Form 20-F for the Fiscal Year Ended December 31, 2024, p. 13.

²⁶ “Spotify Investors,” *Spotify*, <https://investors.spotify.com/home/default.aspx>.

²⁷ Spotify Form 20-F for the Fiscal Year Ended December 31, 2024, p. 13.

²⁸ “Spotify Investors,” *Spotify*, <https://investors.spotify.com/home/default.aspx>.

²⁹ Perez, Sarah, “YouTube says over 25% of its creator partners now monetize via Short,” *TechCrunch*, March 28, 2024, <https://techcrunch.com/2024/03/28/youtube-says-over-25-of-its-creator-partners-now-monetize-via-shorts/>.

³⁰ Perez, Sarah, “YouTube says over 25% of its creator partners now monetize via Short,” *TechCrunch*, March 28, 2024, <https://techcrunch.com/2024/03/28/youtube-says-over-25-of-its-creator-partners-now-monetize-via-shorts/>.

³¹ “How Content ID Works,” *YouTube Help*, <https://support.google.com/youtube/answer/2797370?hl=en#>; Avramenko, Iryna, “How to Claim Revenue from Unauthorized Uses of Your Content,” *AIR Media-Tech*, April 14, 2025, <https://air.io/en/how-to-claim-revenue-from-unauthorized-uses-of-your-content>.

of copyrighted content can have the unauthorized content taken down or can claim the revenue from advertisements running on the unauthorized content.³²

28. The digital telecommunications transformation presented significant challenges in terms of IP market development, with many rights holders and technologies necessary to successfully implement commercial solutions. However, advancements like standard development organizations (“SDOs”), standard essential patents (“SEPs”), and FRAND licensing principles emerged to facilitate the market.³³

29. Turning more precisely to books, the books market and the rights around copyrighted books have likewise adapted to the digital age. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

³² Avramenko, Iryna, “How to Claim Revenue from Unauthorized Uses of Your Content,” *AIR Media-Tech*, April 14, 2025, <https://air.io/en/how-to-claim-revenue-from-unauthorized-uses-of-your-content>.

³³ Tsai, Joanna, “Standard Development Organizations, Intellectual Property, and Standardization: Fundamentals and Recent Proposals,” *The Global Antitrust Institute Report on the Digital Economy*, November, 19, 2020, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3733732, pp. 808 – 831; “Understanding Standard Essential Patents in 2025: Steps, Strategies, and Examples,” *Lumenci*, February 25, 2025, <https://lumenci.com/blogs/understanding-standard-essential-patents/>; “Frاند Licensing: Everything You Need to Know,” *upcounsel*, <https://www.upcounsel.com/frand-licensing>.

³⁴ [REDACTED]

[REDACTED]

30. The above are examples. A more detailed discussion of markets that have adapted to technical change, overcome challenges related to IP rights, and/or developed in spite of market challenges is attached as **Appendix 3**.

VIII. THE ESTABLISHED MARKET FOR THE SALE OF BOOKS

31. There is an established market for the sale of books. The market is characterized by a significant number of willing buyers and willing sellers. For example, in 2021, over 826 million units of print books were sold in the United States.³⁹ Books can be purchased through brick-and-mortar bookstores and online retailers. Intermediaries, like Amazon and large publishing houses, have arisen to efficiently sell and distribute books in mass. Newer technologies, like e-readers, have provided another avenue for the sale, distribution, and consumption of books. Indeed, Dr. Peterson acknowledges there is an “established” market for “consumers [to] buy books (in various formats) to read them.”⁴⁰

32. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

³⁷ [REDACTED] I understand Google Books expressly directs users to places where they can purchase a book that is in snippet view. See, e.g., Google Books webpage for “The Herd” by Andrea Bartz, https://www.google.com/books/edition/The_Herd/Et2fDwAAQBAJ?hl=en&gbpv=1&dq=andrea+bartz&printsec=frontcover.

³⁸ [REDACTED].

³⁹ Mclean, Kristen, “Book Sales in the U.S. Are Stronger Than Ever,” *Publishers Weekly*, April 19, 2022, <https://www.publishersweekly.com/pw/by-topic/industry-news/bookselling/article/89040-book-sales-in-the-u-s-are-stronger-than-ever.html>.

⁴⁰ Peterson Declaration, March 27, 2025, ¶¶ 18-19.

33. According to a 2017 Nielsen Consumer Survey, [REDACTED]
[REDACTED].”⁴¹ The Authors’ Guild, the nation’s oldest and largest
professional organization for published writers, similarly reported: “[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

34. [REDACTED]

41 [REDACTED]

[REDACTED]

35. Further, to the extent Anthropic’s commercial mission includes helping users with prose,⁴⁶ there is a risk of future market substitution. For example, the *Kindlepreneur*, an online book marketing resource for authors,⁴⁷ recently provided an article entitled “How to Write a Book in Claude: My Complete Process.”⁴⁸ The step-by-step process includes a section on how “to write prose with AI” including an example prompt which asks Claude to “[w]rite 600 words of a chapter using the following details...”⁴⁹

36. As another example of harm in the marketplace, I understand that authors have had to compete against “knockoffs” generated through artificial intelligence tools.⁵⁰ According to the executive director of the Author’s Guild, “[i]t’s getting easier and easier to generate books with AI, and we’re seeing more of them...I think we are going to be dealing with an explosion of AI-generated books before we get anywhere near fixing the problem.”⁵¹

37. According to an article from *Vice*, in June 2023, dozens of AI generated books flooded Amazon’s Kindle Unlimited young adult romance bestseller list.⁵² Such books “often bear the names of unknown authors, sport cover art that resembles the outputs of AI image tools, and appear on Amazon shortly before the release of the genuine book they’re attempting to capitalize on.”⁵³ Similarly, a *Washington Post* article described how Kara Fisher, a notable tech

⁴⁶ Kaplan Declaration, March 27, 2025, ¶¶ 19 - 23.

⁴⁷ Chesson, Dave, “About,” *Kindlepreneur*, <https://kindlepreneur.com/about/>

⁴⁸ Hamilton, Jason, “How to Write a Book in Claude: My Complete Process,” *Kindlepreneur*, March 3, 2025, <https://kindlepreneur.com/claude-ai/>.

⁴⁹ Hamilton, Jason, “How to Write a Book in Claude: My Complete Process,” *Kindlepreneur*, March 3, 2025, <https://kindlepreneur.com/claude-ai/>.

⁵⁰ Mauran, Cecily, “If you’re buying the Kara Swisher book on Amazon, make sure it’s not AI-generated knockoff,” *Mashable*, February 28, 2024, <https://mashable.com/article/kara-swisher-book-amazon-ai-generated-knockoff>.

⁵¹ Oremus, Will, “Tech writer Kara Swisher has a new book. Enter the AI-generated scams,” *The Washington Post*, March 1, 2024, <https://www.washingtonpost.com/technology/2024/03/01/amazon-ai-fake-books-authors/>.

⁵² Roscoe, Jules, “AI-Generated Books of Nonsense Are All Over Amazon’s Bestseller Lists,” *Vice*, June 28, 2023, <https://www.vice.com/en/article/ai-generated-books-of-nonsense-are-all-over-amazons-bestseller-lists/>.

⁵³ Oremus, Will, “Tech writer Kara Swisher has a new book. Enter the AI-generated scams,” *The Washington Post*, March 1, 2024, <https://www.washingtonpost.com/technology/2024/03/01/amazon-ai-fake-books-authors/>.

journalist, found dozens of AI-generated knockoffs of her new memoir around the time she was set to release her book.⁵⁴ According to the article, authors are finding “that selling a new book on Amazon these days often means competing for readers’ attention with knockoffs that bear signs of having been generated largely or entirely by artificial intelligence tools.”⁵⁵

38. Dr. Peterson offers no explanation as to why the clear and direct harm of

[REDACTED] In fact, at no point in his declaration does [REDACTED]

[REDACTED] Dr. Peterson argues that “Claude is not a substitute for books in any market, including the markets in which books are sold.”⁵⁶ This is unsupported, and misses the point. Claude itself is not the substitute for books (although, as noted above, to the extent that Claude is used to generate prose, it can harm the market for books). The relevant point is that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IX. THE EMERGING MARKET FOR BOOKS FOR LLM TRAINING

39. As explained above, the key building blocks of an emerging market include willing sellers offering supply, willing buyers exhibiting demand, pricing mechanisms, intermediaries or platforms that facilitate the exchange goods and services, and executed transactions, all of which are present here.⁵⁷ Even when there are confounding factors or inefficiencies, those need not be

⁵⁴ Oremus, Will, “Tech writer Kara Swisher has a new book. Enter the AI-generated scams.” *The Washington Post*, March 1, 2024, <https://www.washingtonpost.com/technology/2024/03/01/amazon-ai-fake-books-authors/>.

⁵⁵ Oremus, Will, “Tech writer Kara Swisher has a new book. Enter the AI-generated scams.” *The Washington Post*, March 1, 2024, <https://www.washingtonpost.com/technology/2024/03/01/amazon-ai-fake-books-authors/>.

⁵⁶ Peterson Declaration, March 27, 2025, ¶ 21.

⁵⁷ Deposition of Andrea Bartz, March 7, 2025, p. 43; Deposition of Charles Graeber, March 5, 2025, p. 32; Deposition of Kirk Johnson, March 6, 2025, pp. 40 - 41.

and are not the final word on how the market will develop. Inefficiencies are not indicative of an absence of a market. Inefficiencies are present in all real markets, especially developing markets. In addition, where a company or industry seeks to impede the development of rights, this can slow market development, and legal stability can enhance it.⁵⁸

40. Here, the evidence indicates the presence of an emerging market working to solve such inefficiencies. The demand for books for LLM training is growing. More suppliers are attempting to capitalize on the growing demand. New and sophisticated intermediaries are entering to facilitate transactions. Price discovery is occurring through executed transactions. In my opinion, there is an emerging market for books for LLM training that is quickly becoming more efficient.

41. With respect to supply, it is well-documented that many authors, including the named plaintiffs, are open to licensing their copyrighted books for LLM training. In 2023, the Authors Guild “conducted a survey to fully understand and frame important issues around the use and development of generative AI technology.”⁵⁹ “Crucially, [the Authors Guild’s] survey found that 90 percent of writers believe that authors should be compensated if their work is used to train generative AI technologies, and 65 percent support a collective licensing system that would pay authors a fee for the use of their work in training AI.”⁶⁰ These results are consistent with the

⁵⁸ Bufford, Samuel, “International Rule of Law and the Market Economy – An Outline,” *Penn State Law*, 12 Se. J.L. & Trade AM. 303 (2006), https://elibrary.law.psu.edu/fac_works/162/, pp. 303-305.

⁵⁹ “Survey Reveals 90 Percent of Writers Believe Authors Should Be Compensated for the Use of Their Books in Training Generative AI,” *The Authors Guild*, May 15, 2023, <https://authorsguild.org/news/ai-survey-90-percent-of-writers-believe-authors-should-be-compensated-for-ai-training-use/>.

⁶⁰ “Survey Reveals 90 Percent of Writers Believe Authors Should Be Compensated for the Use of Their Books in Training Generative AI,” *The Authors Guild*, May 15, 2023, <https://authorsguild.org/news/ai-survey-90-percent-of-writers-believe-authors-should-be-compensated-for-ai-training-use/>.

testimony of the named plaintiffs in this case, in which each affirmatively acknowledged that they would be willing to license their books for LLM training.⁶¹

42. The demand for books for LLM training is significant. By way of example, competitor OpenAI's researchers have repeatedly acknowledged that books are valuable and were used to train its LLMs.⁶² Meta, another of Anthropic's competitors, has made similar acknowledgements⁶³ and even considered "buying the publishing house Simon & Schuster to procure long works, according to recordings of internal meetings obtained by The [New York] Times."⁶⁴ Another competitor, Microsoft, negotiated and executed an agreement with Big 5 publisher Harper Collins related to books, as discussed below. Outside of these illustrative companies, AI researchers have similarly noted that "published books" are the "the most prized data" because they "have been carefully written and edited by professionals."⁶⁵

⁶¹ Deposition of Andrea Bartz Deposition, March 7, 2025, 43:9-11 ("Q. Would you be willing to license your books to Anthropic for use as training data? A. Yeah, if the terms were right, I would."); Deposition of Charles Graeber, March 5, 2025, 32: 16-20 ("Q. If Anthropic had come to you, would you have been willing to license it your works to use as training data? A. I'm agreeable to the idea of making a licensing agreement for the training of LLMs."); Deposition of Kirk Wallace Johnson, March 6, 2025, 40:19-41:2, Q. What are you hoping to get out of this lawsuit? A. I am seeking, on behalf of myself and on behalf of the thousands of other authors whose works were infringed upon, some kind of damages for that unauthorized use of our work. And to the extent that there is a reasonable and fair offer put in front of me, I would be open to exploring a license of my work for further training if it was fair.")

⁶² Brown, Tom B., et al., "Language Models are Few-Shot Learners," *OpenAI*, May 28, 2020, <https://arxiv.org/abs/2005.14165>, p. 8. (OpenAI disclosed that 15% of the GPT-3 training set came from "two internet-based books corpora,"); Radford, Alec, et al., "Improving Language Understanding by Generative Pre-Training," *OpenAI*, https://cdn.openai.com/research-covers/languageunsupervised/language_understanding_paper.pdf, p. 4 ("We use the BooksCorpus dataset for training the language model. It contains over 7,000 unique unpublished books from a variety of genres including Adventure, Fantasy, and Romance. Crucially, it contains long stretches of contiguous text, which allows the generative model to learn to condition on long-range information."). See also, Complaint, Tremblay & Awad v. OpenAI, et al., Case No. 3:23-cv-03223-AMO, June 28, 2023, p. 5. (OpenAI's BooksCorpus dataset contained "over 7,000 unique published books from a variety of genres including Adventure, Fantasy, and Romance.")

⁶³ Plaintiffs' Motion for Summary Judgement, *Kadrey v. Meta*, pp. 4-6 (describing Meta's use of books for training and quoting an internal Meta document that states: "[i]f data quality and volumes are so important for the performance of LLMs, the best resource we can think of are definitely books.")

⁶⁴ Metz, Cade, et al., "How Tech Giants Cut Corners to Harvest Data for A.I.," *New York Times*, April 6, 2024, <https://www.nytimes.com/2024/04/06/technology/tech-giants-harvest-data-artificial-intelligence.html>.

⁶⁵ Metz, Cade, et al., "How Tech Giants Cut Corners to Harvest Data for A.I.," *New York Times*, April 6, 2024, <https://www.nytimes.com/2024/04/06/technology/tech-giants-harvest-data-artificial-intelligence.html>.

43.

66

67

44. The existence of this emerging market for books for LLM training is further evidenced by [REDACTED] ⁶⁸:

68.

⁶⁶ Zhao Declaration, April 24, 2025, Section VIII.

⁶⁷ Turvey Declaration, March 27, 2025, ¶ 22; [REDACTED], Exhibit 18 (ANT BARTZ 000030756 – 800 at 774).

⁶⁸ In addition to the negotiations and executed licenses described below, there are numerous executed agreements between content creators (e.g., news and media organizations) and AI companies, as referenced below and Appendix 5.

69

70

71

72

73

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■ **Wiley (executed agreements and licensing negotiations):** Wiley, “one of the world’s largest publishers and a global leader in research and learning,”⁸⁸ has established an AI data licensing partnership initiative.⁸⁹ According to Josh Jarrett, Wiley’s Senior VP of AI Growth, Wiley has decided to “lean into AI” and notes that in the evolving AI landscape, foundational LLM model training is one of “three primary market segments

85 [REDACTED]

emerging.”⁹⁰ Wiley entered a \$23 million AI deal with a large undisclosed technology company in its 2024 fiscal year and a second agreement worth \$21 million in fiscal 2025.⁹¹ The Association of American Publishers has disclosed the existence of five total AI licensing deals for textual works executed by Wiley.⁹² Wiley is continuing to explore AI licensing deals, as described further below.

- **Taylor Francis (executed agreements):** Taylor & Francis, a publisher of over 180,000 book titles and 2,700 journals across a wide range of scholarly publishing, advertises itself as “the perfect licensing partner to train your LLM.”⁹³ In May 2024, Informa, Taylor & Francis’ parent company, announced an AI partnership and data access agreement with Microsoft worth more than \$10 million in the first year.⁹⁴
- **ProRata.ai (executed agreements and licensing negotiations):** ProRata.ai is a generative AI company that has developed technology to accurately attribute and compensate content owners for the use of their work.⁹⁵ According to ProRata.ai, its technology enables AI platforms to fractionally attribute and share revenues on a per-use basis with content owners, ensuring fair compensation.⁹⁶ In addition to partnerships

⁹⁰ Jarrett, Josh, “Breaking Down Emerging Segments In The AI Content Licensing Landscape,” *Wiley*, November 18, 2024, <https://www.wiley.com/en-us/network/trending-stories/breaking-down-emerging-segments-in-the-ai-content-licensing-landscape>.

⁹¹ “Publishing Giant Wiley is Reorienting Itself as an AI Licensing Company,” *CoAI*, September 6, 2024, <https://getcoai.com/news/publishing-giant-wiley-is-reorienting-itself-as-an-ai-licensing-company/>.

⁹² Association of American Publishers, Amicus Curiae Brief in Support of Plaintiffs, *Kadrey, et al., v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D. Cal. Apr. 11, 2025), p. 12.

⁹³ “Our Company,” *Taylor and Francis*, <https://taylorandfrancis.com/about/>; “Licensing, rights and permissions,” *Taylor and Francis*, <https://taylorandfrancis.com/contact/rights-and-permissions/>.

⁹⁴ Palmer, Kathryn, “Taylor & Francis AI Deal Sets ‘Worrying Precedent’ for Academic Publishing,” *Inside Higher Ed*, July 29, 2024, <https://www.insidehighered.com/news/faculty-issues/research/2024/07/29/taylor-francis-ai-deal-sets-worrying-precedent>; “Informa PLC Press Release,” *Informa*, May 8, 2024, <https://www.informa.com/globalassets/documents/investor-relations/2024/informa-plc---market-update.pdf>.

⁹⁵ Nicoud, Anabelle, “ProRata aims to be pro publisher for revenue sharing on AI platforms,” *World Association of News Publishers*, January 20, 2025, <https://wan-ifra.org/2025/01/prorata-aims-to-be-pro-publisher-when-it-comes-to-revenue-sharing-on-ai-platforms/>.

⁹⁶ “ProRata.ai,” *ProRat.ai*, <https://www.prorata.ai/>; “Please reach out if you’re a publisher or creator interested in participating in the financial upside of generative AI,” *ProRat.ai*, <https://www.prorata.ai/partnerships>.

with major media companies, the company has also entered into deals with individual authors, such as Neal Postman, Scott Galloway, and Tony Robbins.⁹⁷ The company has publicly stated that it is in advanced discussions with global news publishers, media and entertainment companies, and more than 100 “noted authors” for licensing deals.⁹⁸ Unlike other AI platforms, ProRata.ai is committed to exclusively using licensed data.⁹⁹

45. Further, licensing activity is growing. According to Mr. Jarrett, Wiley plans to continue signing more AI licensing agreements.¹⁰⁰ Commenting on licensing activity between publishers and AI companies, Jane Friedman, a trusted publishing industry resource¹⁰¹ stated “it’s fair to say that, before long, every major publisher will be earning money through AI training, whether it’s through the CCC, another collective licensing agency, or directly with tech companies...”¹⁰² Indeed, other licensing negotiations between AI platforms and academic publishers are occurring. For example, Sage, another academic publisher, has discussed licensing author’s content to AI firms.¹⁰³ Dr. Peterson makes no attempt to explain or otherwise distinguish this undisputed evidence of an emerging market to license books for LLM training.

⁹⁷ Knibbs, Kate, “Generative AI Has a ‘Shoplifting’ Problem. This Startup CEO Has a Plan to Fix It,” *Wired*, August 8, 2024, <https://www.wired.com/story/bill-gross-prorata-generative-ai-business/>. See also, “Supporting authors” highlighted on ProRata.ai’s website (<https://www.prorata.ai/>): Ichak Adizes, Ian Bremmer, Peter Diamandis, Scott Galloway, Seth Godin, Adam Grant, Walter Isaacson, Jeff Jarvis, Neil Postman, Tony Robbins, Anthony Scaramucci, Rishad Tobaccowala), “ProRata.ai,” *ProRata.ai*, <https://www.prorata.ai/>.

⁹⁸ Stassen, Murray “Universal Music Strikes Strategic Agreement with AI Startup ProRata, Which Just Raised \$25M for a Chatbot and Tech to Attribute and Compensate Content Owners,” *Music Business Worldwide*, August 6, 2024, <https://www.musicbusinessworldwide.com/universal-music-strikes-strategic-agreement-with-ai-startup-prorata-which-just-raised-25m-for-a-chatbot-and-tech-to-attribute-and-compensate-content-owners1/>.

⁹⁹ Knibbs, Kate, “Generative AI Has a ‘Shoplifting’ Problem. This Startup CEO Has a Plan to Fix It,” *Wired*, August 8, 2024, <https://www.wired.com/story/bill-gross-prorata-generative-ai-business/>.

¹⁰⁰ Carpenter, Todd, “Wiley Leans into AI. The Community Should Lean with Them,” *The Scholarly Kitchen*, October 31, 2024, <https://scholarlykitchen.sspnet.org/2024/10/31/wileys-josh-jarret-interview-about-impact-of-ai/>.

¹⁰¹ “About,” *JaneFriedman.com*, <https://janefriedman.com/about/>

¹⁰² Friedman, Jane, “Like It or Not, Publishers Are Licensing Books for AI Training—And Using AI Themselves,” *Jane Friedman*, July 17, 2024, <https://janefriedman.com/like-it-or-not-publishers-are-licensing-material-for-ai-training-and-using-ai-themselves/>.

¹⁰³ Battersby, Matilda, “Sage confirms it is in talks to license content to AI firms,” *The Bookseller*, September 19, 2024, <https://www.thebookseller.com/news/sage-confirms-it-is-in-talks-to-license-content-to-ai-firms>.

46. In addition, I find it relevant from the perspective of market development that the market for books for LLM training is emerging alongside a broader licensing landscape for LLM training. According to public reports, in less than two years, over 100 licensing deals have been executed to date between content rights holders and LLM companies.¹⁰⁴ The value of these licenses is currently estimated to be at least \$2.5 billion, and is forecasted to grow to close to \$30 billion within the decade.¹⁰⁵ The Association of American Publishers has publicly reported the existence of 66 AI licensing deals for textual works between AI technology companies and its members (including book publishers).¹⁰⁶ While many of these licenses go beyond the book-specific market Plaintiffs allege here, they nevertheless demonstrate that a licensing regime for LLM training, including books is possible and will continue to emerge.

47. Price discovery and the valuation of assets is further evidence of this emerging market. Here, the executed transactions provide price discovery in the marketplace. [REDACTED]

[REDACTED]

[REDACTED].¹⁰⁷ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹⁰⁴“Platforms and Publishers: AI Partnership Tracker,” *Quarto Pub*, February 19, 2025, <https://petebrown.quarto.pub/pnp-ai-partnerships/>. See also, additional sources detailing the numerous deals in the marketplace: Association of American Publishers, Amicus Curiae Brief in Support of Plaintiffs, *Kadrey, et al., v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D. Cal. Apr. 11, 2025), p. 12.; “Google strikes \$60 million deal with Reddit, allowing search giant to train AI models on human posts,” CBS News, February 23, 2024, <https://www.cbsnews.com/news/google-reddit-60-million-deal-ai-training/>; Wigger, Kyle, “Perplexity expands its publisher program,” *TechCrunch*, December 5, 2024, <https://techcrunch.com/2024/12/05/perplexity-expands-its-publisher-program>.

¹⁰⁵ Paul, Katie and Tong, Anna, “Inside Big Tech’s underground race to buy AI training data,” Reuters, April 5, 2024, <https://www.reuters.com/technology/inside-big-techs-underground-race-buy-ai-training-data-2024-04-05/>.

¹⁰⁶ Association of American Publishers, Amicus Curiae Brief in Support of Plaintiffs, *Kadrey, et al., v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D. Cal. Apr. 11, 2025), p. 12.

¹⁰⁷ [REDACTED]

[REDACTED] .¹⁰⁸ [REDACTED]

[REDACTED]

[REDACTED] .¹⁰⁹ [REDACTED]

[REDACTED]

[REDACTED]

48. In addition, market intermediaries, standard development organizations, and technology platforms that facilitate the license of textual works for LLM training, including copyrighted books, have emerged to provide efficiencies and monetization opportunities. Technologies and platforms like those offered by Human Native, Created by Humans, CCC, Protege/Calliope Networks, and PDS are facilitating the license of textual works, including books, at scale. A description of the 17 platforms and intermediaries engaged in these efforts – at least those that I am currently aware of – is attached as **Appendix 4**.

49. LLMs, like Claude, can leverage such platforms and technologies to efficiently acquire license rights to copyrighted book content, ensuring that AI developers have access to large datasets while remaining in compliance with copyright law. Such market activity also ensures that authors will continue to be incentivized to create new content even in the face of competition from LLMs.

50. As discussed above, the fact that the market for books for LLM training is still emerging and not yet fully established after only a few years is not a reason to discount the existence of the market. For example, the digital books market illustrates how an emerging market can form despite a wide array of content holders. For instance, in the 2000s, e-book distributors were limited to content for which publishers would convey rights, and publishers were tentative

¹⁰⁸ [REDACTED]

¹⁰⁹ [REDACTED]

about offering titles for which they anticipated continued print sales.¹¹⁰ Publishers and distributors had convoluted marketing and pricing models which were not well aligned with how libraries purchase books and resources.¹¹¹ Despite the headwinds faced by publishers and distributors, market participants continued to navigate the space (e.g., Wiley and Springer), managing their own digitization process and providing a delivery platform for e-books.¹¹² The market continued to develop and, as of 2024, has grown to approximately \$1.0 billion.¹¹³ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

51. Finally, Anthropic’s conduct harms this likely-to-develop market for books for LLM training. First, Anthropic pirated books. A useful analogy to the circumstances here is

¹¹⁰ Sandler, Mark, Armstrong, Kim, Nardini, Bob, “Market Formation for E-Books: Diffusion, Confusion or Delusion?,” *Michigan Publishing*, Vol. 10, Issue 3, Fall 2007, <https://quod.lib.umich.edu/j/jep/3336451.0010.310/--market-formation-for-e-books-diffusion-confusion-or-delusion?rgn=main;view=fulltext>; Sisto, Michelle, “Publishing and Library E-Lending: An Analysis of the Decade Before Covid-19,” *Pub Res Q*, 405-422 (2022), <https://doi.org/10.1007/s12109-022-09880-7>.

¹¹¹ Sandler, Mark, Armstrong, Kim, Nardini, Bob, “Market Formation for E-Books: Diffusion, Confusion or Delusion?,” *Michigan Publishing*, Vol. 10, Issue 3, Fall 2007, <https://quod.lib.umich.edu/j/jep/3336451.0010.310/--market-formation-for-e-books-diffusion-confusion-or-delusion?rgn=main;view=fulltext>; Sisto, Michelle, “Publishing and Library E-Lending: An Analysis of the Decade Before Covid-19,” *Pub Res Q*, 405-422 (2022), <https://doi.org/10.1007/s12109-022-09880-7>.

¹¹² Sandler, Mark, Armstrong, Kim, Nardini, Bob, “Market Formation for E-Books: Diffusion, Confusion or Delusion?,” *Michigan Publishing*, Vol. 10, Issue 3, Fall 2007, <https://quod.lib.umich.edu/j/jep/3336451.0010.310/--market-formation-for-e-books-diffusion-confusion-or-delusion?rgn=main;view=fulltext>.

¹¹³ “AAP December 2024 StatShot Report: Overall Publishing Industry Up 6.5% Year-To-Date, and Down 4.3% for Month of December,” *Association of American Publishers*, March 4, 2025, <https://publishers.org/news/aap-december-2024-statshot-report-overall-publishing-industry-up-6-5-year-to-date-and-down-4-3-for-month-of-december/>.

¹¹⁴ [REDACTED]

Napster: after Napster was enjoined, record companies developed license agreements with legitimate technology companies to distribute their music (e.g., iTunes and Spotify).¹¹⁷ Once that copying is judicially prohibited, as we saw with Napster, market forces will naturally react by developing legitimate alternatives and enable a more fulsome and efficient licensing market.¹¹⁸

52. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Anthropic's conduct, particularly if widespread, harms existing and potential markets, as described above.

X. ANALYSIS OF THE PUBLIC BENEFIT AND WIDESPREAD CONDUCT OF THE SAME SORT

53. Anthropic argues that the public benefit justifies its use of non-licensed copyrighted content in training its LLMs.¹¹⁹ According to Anthropic, the public benefits from the “copying” of copyrighted content outweigh any such theoretical harm given the “inventive and important purposes” its AI is used for.¹²⁰ However, while books, like all intellectual property assets, are unique, particularly because of the creativity employed to communicate concepts through language patterns, and provide a competitive advantage, I am not aware of any evidence that copyrighted books are necessary to train an LLM.

54. [REDACTED]

[REDACTED]

¹²¹ Moreover, Dr. Peterson appears to

¹¹⁷ See Appendix 3.

¹¹⁸ See Appendix 3.

¹¹⁹ Defendant Anthropic PBC's Notice of Motion and Motion for Summary Judgment, March 27, 2025, p. 23.

¹²⁰ Defendant Anthropic PBC's Notice of Motion and Motion for Summary Judgment, March 27, 2025, pp. 23-24.

¹²¹ [REDACTED] Defendant Anthropic PBC's Notice of Motion and Motion for Summary Judgment, March 27, 2025, p. 23.

acknowledge that [REDACTED]

55. [REDACTED]

[REDACTED]¹²⁴ [REDACTED]

56. I understand “[t]he immediate effect of our copyright law is to secure a fair return for an ‘author’s’ creative labor. But the ultimate aim is, by this incentive, to stimulate artistic creativity for the general public good.”¹²⁶ Defendants’ unauthorized copying of Plaintiffs’ copyrighted books undermines the economic aims of copyright law. Such conduct, without payment, disincentivizes authors to create new works, harming the relevant markets, and ultimately, harming the public good.¹²⁷

XI. RESPONSE TO DR. PETERSON’S DECLARATION

57. As an initial matter, Dr. Peterson did not address most of the issues above, so the above sections are also a response to Dr. Peterson in that they illustrate his omissions. In the rest

¹²² Peterson Declaration, March 27, 2025, ¶ 7.

¹²³ Kaplan Declaration, March 27, 2025, ¶ 53.

¹²⁴ [REDACTED]

¹²⁵ See, e.g., ANT_BARTZ_000146048 ([REDACTED]); Deposition of Thomas Turvey, April 10, 2025, pp. 290-291; Deposition of Thomas Turvey, April 10, 2025, Exhibit 32 (ANT_BARTZ_000529806).

¹²⁶ *Twentieth Century Music Corp. v. Aiken*, 422 U.S. 151, 156 (1975).

¹²⁷ See e.g., “Licensing Copyrighted Works for AI,” *Calliope Networks*, December 14, 2023, <https://calliopenetworks.ai/f/licensing-copyrighted-works-for-ai>.

of this section, I address his particular conclusions and describe the methodological and other bases of my disagreements with them.

58. First, Dr. Peterson ignores the harm to the established book market. Dr. Peterson only looks at whether Claude *itself* competes with books. Dr. Peterson is inconsistent with his conclusion, saying both that Claude is and is not substitute.¹²⁸ He ignores evidence that Claude’s services harm the established book market, as I describe in Section VIII above, claiming any effect on that market is speculative, without support.¹²⁹

59. Second, with respect to the market for LLM training, Dr. Peterson answers the wrong question. Specifically, Dr. Peterson states: “the relevant question is not whether AI firms could license some books or other texts in a licensing market, but whether they could license all the copyrighted works necessary to assemble data sufficient to build current and future models.”¹³⁰ But, as explained above, that red herring is *not* the proper question. The proper questions are (i) whether existing or likely to develop markets exist for the various uses to which Anthropic put one type of training data – copyright registered books and if so (ii) whether Anthropic’s conduct harms those existing or likely to develop markets. As described in Sections IX and X above, the answer to both questions is yes.

60. Third, Dr. Peterson implies that the existence of high transaction costs, in and of themselves, indicate market development is impracticable. Not so. Markets always involve some form of transaction costs and higher transaction costs are a typical feature of developing markets. As more buyers and sellers enter the market and as solutions (e.g., intermediaries and other platforms) develop to efficiently facilitate licensing transactions – as they are here – transaction

¹²⁸ Peterson Declaration, March 27, 2025, ¶ 5 (“Claude does not substitute for or compete with Plaintiffs’ books”) and ¶ 5c (books and magazines are “much closer substitutes” than Claude).

¹²⁹ Peterson Declaration, March 27, 2025, ¶ 6.

¹³⁰ Peterson Declaration, March 27, 2025, ¶ 48.

costs decrease. Illustrative examples of these intermediaries and technology platforms are provided in **Appendix 4**. Throughout the Peterson Declaration, Dr. Peterson improperly conflates market inefficiencies with market impossibility.

61. Dr. Peterson presumes a market where each individual book or individual author requires separate negotiations. [REDACTED]

[REDACTED] ¹³¹ Moreover, the “Big Five” dominate the market in terms of published book sales. ¹³² Publishing houses controlled over 80% of the trade book market in the U.S. in 2021. ¹³³ 10% to 20% of all new book titles in 2021 were published by the Big 5. ¹³⁴ Leading publishers have been willing to license broad catalogs of copyrighted books to AI platforms for training purposes, evidencing that licensing at scale is possible. Market sellers (e.g., publishing houses and authors) and industry analysts expect more licenses for books for LLM training to occur. Technology platforms and intermediaries have entered the market to facilitate licensing transactions between LLMs and numerous rights holders (including books rights holders) at scale, as described in Section IX and further detailed in **Appendix 4**. Such market developments

¹³¹ “HarperCollins AI Licensing Deal,” *The Authors Guild*, November 19, 2024, <https://authorsguild.org/news/harpercollins-ai-licensing-deal/>.

¹³² See, e.g., Milliot, Jim, “Big Five Domination of Adult Bestseller Lists Slipped in 2023,” *Publishers Weekly*, January 19, 2024, <https://www.publishersweekly.com/pw/by-topic/industry-news/publisher-news/article/94145-big-five-domination-of-adult-bestseller-lists-slipped-in-2023.html>; “AG Statement on Proposed Sale of Simon & Schuster and Its Ramifications for Authors,” *The Authors Guild*, November 25, 2020, <https://authorsguild.org/news/ag-statement-on-proposed-sale-of-simon-schuster-and-its-ramifications-for-authors/> (“The Authors Guild opposes the proposed sale of Simon & Schuster to Penguin Random House. It would mean that the combined publishing house would account for approximately 35% of all book units sold”); “Authors Guild Celebrates Court’s Decision to Block Penguin Random House-Simon & Schuster Merger in DOJ’s Antitrust Suit,” *The Authors Guild*, November 1, 2022, <https://authorsguild.org/news/ag-celebrates-courts-decision-to-block-prh-ss-merger/> (“...Nicholas Hill, who testified as the DOJ’s expert witness during trial, the merged entity [Penguin Random House and Simon & Schuster] would have had a 49 percent market share, far greater than its next biggest competitor HarperCollins’ 22 percent.”)

¹³³ Curcic, Dimitrije, “The Big Five Publishers Statistics,” *WordsRated*, November 17, 2022, <https://wordsrated.com/the-big-five-publishers-statistics/>. I generally understand the trade book market refers to books published for general readership and sold through retail channels, i.e., books intended for a broad audience, as opposed to academic or professional books, which are targeted at specific fields or industries.

¹³⁴ Curcic, Dimitrije, “The Big Five Publishers Statistics,” *WordsRated*, November 17, 2022, <https://wordsrated.com/the-big-five-publishers-statistics/>. (market definition excludes self-published books).

will continue to facilitate transactions, lowering transaction costs. Anthropic and Dr. Peterson provide no evidence that transaction costs prohibit this market.

62. Further, the fact that Anthropic views the current market price and related transaction costs as too high does not indicate the absence of a market. [REDACTED]

[REDACTED]

[REDACTED]

63. Fourth, Dr. Peterson overstates the challenges of identifying and ultimately negotiating with the correct copyright holders for books for LLM training. [REDACTED]

[REDACTED]¹³⁵ [REDACTED]

[REDACTED]¹³⁶ Dr. Peterson's analysis did not contend with the record in this case. This is evidenced by Mr. Turvey's testimony.

64. According to Mr. Turvey's testimony, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹³⁵ [REDACTED]

¹³⁶ [REDACTED]

¹³⁷ [REDACTED]

¹³⁸ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

I [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

¹³⁹ Turvey Declaration, March 27, 2025, ¶ 14;

140 |

141

142

143

¹⁴⁴ Turvey Declaration, March 27, 2025, ¶ 35.

145

146

66. Finally, Dr. Peterson makes the unsupported claim that Plaintiffs' ownership of training rights prevents Anthropic from licensing their works at scale from their publishers.¹⁴⁷ However, publishers and authors routinely work together to define rights and enable marketplace participation.¹⁴⁸ [REDACTED]

[REDACTED] Dr. Peterson's claim that these challenges prevent market development are unconvincing.

67. In summary, Dr. Peterson's conclusions are based on flawed reasoning and unsupported claims. Below, I provide additional details on these issues:

- Dr. Peterson implies each piece of training data would need its own bespoke license.¹⁵⁰

This ignores form licenses and intermediaries like publishers and technology platforms designed to standardize licensing. [REDACTED]

[REDACTED] The CCC's launch of its collective AI license is another example highlighting Dr. Peterson's flawed conclusion.¹⁵¹

- Dr. Peterson claims there is incomplete information in the market regarding copyright ownership.¹⁵² As an initial point, I note that incomplete information is not a barrier to market formation. Incomplete information is a feature of all real markets. Moreover,

¹⁴⁷ Peterson Declaration, March 27, 2025, ¶¶ 50, 60.

¹⁴⁸ See, e.g., "The Guild's Three- Step Approach to Negotiating Contracts," *The Authors Guild*, October 10, 2022, <https://authorsguild.org/blog/the-guilds-three-step-approach-to-negotiating-contracts/>.

¹⁴⁹ [REDACTED]

¹⁵⁰ Peterson Declaration, March 27, 2025, ¶ 7a.

¹⁵¹ See, "CCC Launches Collective AI License, *Copyright Clearance Center*, <https://www.copyright.com/blog/ccc-launches-collective-ai-license/>.

¹⁵² Peterson Declaration, March 27, 2025, ¶ 7b.

Dr. Peterson fails to explain why the extensive information and research services provided by the U.S. Copyright Office – information available to everyone - is insufficient. Publishers and intermediaries are also interested and willing to act as conduits to authors' copyrighted works, providing significant information to the market as part of that process.

- Dr. Peterson also claims there is incomplete information in the market regarding the fair market value of a license.¹⁵³ Information regarding the fair value of a license *is* available. Deals have been entered, and monetary terms have been publicly disclosed.
- Dr. Peterson claims there is low incremental value associated with “licensing copyrighted works.”¹⁵⁴ Presuming he is referring to books, this is at odds with Anthropic’s recognition that books provide a competitive advantage to LLMs in the marketplace. It [REDACTED]

[REDACTED]

[REDACTED] Dr. Peterson’s claim is also undermined by the significant demand for high-quality training data in the market.

- Dr. Peterson ignores contrary evidence, demurring on whether licensing transactions have occurred (they have, as discussed in Section IX), and asserting without basis that such transactions, that he has not evaluated, are not comparable.¹⁵⁵ [REDACTED]
- Dr. Peterson makes the odd claim that “an AI firm that licensed assiduously would still face substantial copyright liability.”¹⁵⁶ Not so. ProRata.ai is committed to exclusively

¹⁵³ Peterson Declaration, March 27, 2025, ¶ 7b.

¹⁵⁴ Peterson Declaration, March 27, 2025, ¶ 7c.

¹⁵⁵ Peterson Declaration, March 27, 2025, ¶ 8.

¹⁵⁶ Peterson Declaration, March 27, 2025, ¶ 8.

using licensed data in its LLM.¹⁵⁷ Intermediaries, many with significant funding, have arisen to ensure LLMs can fairly license copyrighted content.¹⁵⁸ It is Anthropic’s business model – which chose to rely on unauthorized copying and conduct – that has led to litigation. Moreover, litigation or other challenges regarding copyrights are not a barrier to market development, as other markets have shown.¹⁵⁹

- Dr. Peterson makes unsupported claims that licensing negotiations will significantly delay the market harming AI firms.¹⁶⁰ Dr. Peterson fails to consider the intermediaries and technology platforms that are available to facilitate transactions at scale.
- Dr. Peterson’s definition of a viable or “practicable” market is flawed. For example, the only market Dr. Peterson considers acceptable is one in which AI firms would have unfettered access to all copyrighted works, i.e., an unlimited source of supply.¹⁶¹ This is obviously not how markets work. This flawed definition infects Dr. Peterson’s entire analysis and renders his opinions unreliable.

¹⁵⁷ Knibbs, Kate, “Generative AI Has a ‘Shoplifting’ Problem. This Startup CEO Has a Plan to Fix It,” *Wired*, August 8, 2024, <https://www.wired.com/story/bill-gross-prorata-generative-ai-business/>.

¹⁵⁸ See, Appendix 3.

¹⁵⁹ See, Section VII and Appendix 2.

¹⁶⁰ Peterson Declaration, March 27, 2025, ¶ 70.

¹⁶¹ Peterson Declaration, March 27, 2025, ¶¶ 47-48.

XII. CONCLUSION

68. In my opinion, based on the facts and circumstances of this matter, and my professional experience and training:

- There is an established market for the sale of books and this market was harmed by [REDACTED]
- There is an emerging market for books for LLM training and Anthropic's conduct, especially if prevalent, harms this likely-to-develop market;
- Dr Peterson's analysis regarding the market is incorrect and fails to support his conclusion that a market is "impracticable."

XIII. SIGNATURE



James E. Malackowski

April 24, 2025

Date

Appendix 1

JAMES E. MALACKOWSKI CURRICULUM VITAE

James E. Malackowski is a Co-founder and Senior Managing Director of Ocean Tomo, LLC, a part of J.S. Held. Ocean Tomo provides Expert Opinion, Management Consulting, Advisory, and Specialty Services focused on matters involving intellectual property (IP) and other intangible assets. Practice offerings address economic damage calculations and testimony; business licensing strategy and contract interpretation; patent-focused business intelligence; portfolio development strategy; litigation support; trade secret reasonable measures; asset and business valuation; strategy and risk management consulting; merger and acquisition advisory; debt and equity private placement; and IP brokerage. Subsidiaries of Ocean Tomo include Ocean Tomo Investments Group, LLC, a registered broker-dealer. With more than 100 offices globally, J.S. Held assists clients – corporations, insurers, law firms, governments, and institutional investors – on complex technical, scientific, and financial matters across all assets and value at risk.

Along with Supreme Court Justice Stephen Breyer, Mr. Malackowski was inducted as the 87th member of the IP Hall of Fame, chosen by the IP Hall of Fame Academy from a longlist of nominees put forward by the global IP community. Mr. Malackowski was recognized by the Academy in 2022 with the Q. Todd Dickinson Award, which honors those who have made significant contributions to IP as a business asset. Mr. Malackowski's inclusion into the IP Hall of Fame follows annual recognition since 2007 by leading industry publications as one of the 'World's Leading IP Strategists'. Significantly, Mr. Malackowski is listed among "50 Under 45" by *IP Law & Business*TM; included in the *National Law Journal*'s inaugural list of 50 Intellectual Property Trailblazers & Pioneers; and, named as one of "The Most Influential People in IP" by *Managing Intellectual Property*TM. Mr. Malackowski was named as 1 of 50 individuals, companies and institutions that framed the first 50 issues of *IAM Magazine* as well as 1 of 60 leading global Economics Expert Witnesses by the same publication in 2014. In 2011 Mr. Malackowski was selected by the World Economic Forum as one of less than twenty members of the Network of Global Agenda Councils to focus on questions of IP policy. In 2013 he was inducted into the Chicago Area Entrepreneurship Hall of Fame by the Institute for Entrepreneurial Studies at the University of Illinois at Chicago College of Business Administration. In 2018, Mr. Malackowski joined the Standards Development Organization Board of the Licensing Executives Society (USA & Canada), Inc. governing voluntary consensus-based professional practices that are guided in their development by the American National Standards Institute's (ANSI's) Essential Requirements. LES standards are designed to encourage and teach consensus practices in many of the business process aspects of intellectual capital management.

On more than one hundred occasions, Mr. Malackowski has served as an expert in U.S. Federal Court, U.S. Bankruptcy Court, State Court, Court of Chancery, the Ontario Superior Court of Justice, the Federal Court of Australia, the U.S. Patent and Trademark Office Patent Trial and Appeal Board, and global arbitrations on questions relating to intellectual property economics including the subject of valuation, reasonable royalty, lost profits, price erosion, commercial success, corrective advertising, creditor allocations, Hatch Waxman Act market exclusivity, business significance of licensing terms including RAND obligations and exhaustion, venture financing including expected risk / return, the existence of markets or potential markets to assess copyright fair use, and equities of a potential injunction. Mr. Malackowski's experience extends to matters of general business valuation and commercial disputes, both domestic and foreign. Mr. Malackowski has publicly addressed policy issues affecting international trade and has provided expert opinions concerning antidumping and countervailing duties imposed by the U.S. Department of Commerce as well as testimony on domestic industry, bond, and remedies before the International Trade Commission.

Mr. Malackowski has substantial experience as a Board Director for leading technology corporations and research organizations as well as companies with critical brand management issues. He is Past President of The Licensing Executives Society International, Inc., with oversight for more than ten thousand members in thirty-two countries. Mr. Malackowski has focused his non-for-profit efforts with organizations leveraging science and innovation for the benefit of children and students, including those located in lesser developed countries. He has served for more than two decades as a Trustee or Director of the National Inventors Hall of Fame, Inc., an organization providing summer enrichment programs for more than 100,000 students annually. For more than ten years Mr. Malackowski served as a Director of Chicago's

Stanley Manne Children's Research Institute, advancing the organization's agenda to measure and report the impact of its pediatric research. He most recently completed service on the Pritzker School of Molecular Engineering Council at the University of Chicago and continues as an Advisor to the Venture Builder Community at the University of Notre Dame.

Mr. Malackowski is a frequent speaker on emerging technology markets and related financial measures. He has addressed mass media audiences including Bloomberg Morning Call, Bloomberg Evening Market Pulse, Bloomberg Final Word, CNBC Closing Bell, CNBC On the Money, CNBC Street Signs, CNBC Worldwide Exchange, CBS News Radio and Fox Business National Television as well as other recognized news-based internet video channels. Mr. Malackowski is a current or past judge for numerous new venture competitions awarding financial grants recognizing intellectual property protected products and services developed by students, university faculty, and professional entrepreneurs.

As an inventor, Mr. Malackowski has more than twenty issued U.S. patents. He is a frequent instructor for graduate studies on IP management and markets. Recently, Mr. Malackowski has lectured on application of intangible asset valuation models to corporate Environmental, Social, and Governance (ESG) standards, including applicability of United Nations Sustainable Development Goals (SDGs) to investment decisions. He is a Summa Cum Laude graduate of the University of Notre Dame majoring in accountancy and philosophy. Mr. Malackowski is Certified/Accredited in Financial Forensics, Business Valuation and Blockchain Fundamentals; a Certified Licensing Professional and a Registered Certified Public Accountant in the State of Illinois; and, certified to receive United States Sensitive Security Information (SSI) as governed by Title 49 Code of Federal Regulations.

EMPLOYMENT

Co-Founder and Senior Managing Director, *Ocean Tomo, LLC*, a part of *J.S. Held*, July 1, 2003 to present. Mr. Malackowski shares responsibility for all aspects of the firm's intellectual property focused merchant banking practice. Mr. Malackowski served as Chairman from the firm's founding in 2003 until acceptance of Bow River Capital as a strategic partner in 2020. He served as Chief Executive Officer of Ocean Tomo, LLC from formation until its sale to J.H. Held in 2022.

President and Chief Executive Officer, *IP Equity Management, LLC*, doing business as Duff & Phelps Capital Partners, March 1, 2002 to June 30, 2003. The firm's intellectual property structured finance efforts were consolidated with Ocean Tomo on July 1, 2003.

Principal and Founder, *VIGIC Services, LLC*, July 1, 2000 to February 28, 2002. Mr. Malackowski identified and evaluated intellectual capital based private equity investment opportunities and served as an advisor to four completed transactions.

Principal and co-Founder, *IPC Group LLC*, August 1, 1988 – June 30, 2000. Mr. Malackowski also held the offices of President and CEO and was a Board member / chairman of the firm. Along with four co-founders, Mr. Malackowski grew IPC Group to become the largest professional services firm specializing in intellectual property valuation and strategy consulting. IPC Group was sold in 1999 later changing its name to InteCap.

Executive Consultant, *Peterson & Co. Consulting*, Chicago, June 3, 1985 – July 30, 1988. Mr. Malackowski began with Peterson as a Staff Consultant and was the firm's quickest promotion to both Senior Consultant and Executive Consultant. Mr. Malackowski helped to establish the firm's intellectual property litigation and valuation practice. Peterson & Co. was sold to Saatchi & Saatchi PLC in 1988.

**NON-PROFIT AND
ASSOCIATION
EXPERIENCE**

Mr. Malackowski has been active in The Licensing Executives Society (LES) locally, nationally and internationally. LES is the premiere global professional association of technology transfer and intellectual asset management professionals with more than 9,000 members in more than 32 countries.

Mr. Malackowski is Past President of the Licensing Executives Society International, LLC, where his experience included the following positions:

- Director, LES Standards Development Organization (2018 – present)
- Chair, Past President's Council (2012 – 2013)
- President and Member of the Board (2011 - 2012)
- President Elect and Member of the Board (2010 - 2011)
- Secretary and Member of the Board (2007 - 2010)
- Member and Permanent Alternate, Board of Delegates (1992 - 2005)
- Past Chair, Membership, Investment, Education, Long-range Planning and Global Technology Impact Forum Committees.

Mr. Malackowski's term as President of LESI has been recognized for creation of the LESI Global Technology Impact Forum and concurrent Invent For Humanity™ Technology Transfer Exchange Fair; formalizing the National Presidents' Council; establishing the position of a permanent Executive Director; and, restructuring the leadership of LESI committees utilizing a Chair, Past Chair, Chair Elect ladder combined with functional responsibilities for committee Vice Chairs. This later organizational stamp is based largely on Mr. Malackowski's experience as President of LES USA & Canada described below where he led a restructuring of the Board from a regional to a functional focus for each officer and Trustee. As with his tenure at his national Society discussed below, Mr. Malackowski led a financial turn-around returning LESI to positive cash flow following its' only two years of loss.

Mr. Malackowski is also Past President of The Licensing Executives Society (USA and Canada), Inc. where he held numerous offices in the organization including:

- President and Member of the Board (2001 – 2002)
- International Vice President and Member of the Board (2000)
- Treasurer and Member of the Board (1996 -- 1999)
- Trustee and Member of the Board (1992 – 1996)
- Chair, Annual Meeting in Miami Beach (1998) and the Summer Meeting in Chicago (1997)

Mr. Malackowski presided over a restructuring of the LES USA & Canada Board and a financial turn-around returning the organization to positive cash flow following its only two years of loss to such date. Mr. Malackowski is the youngest President to hold office at LES USA & Canada as well as at LES International.

In 2007, Mr. Malackowski was the Founding Chair of the Board of Governors for what is now Certified Licensing Professionals, Inc., administrator of the Certified Licensing Professional (CLP) program for professionals in the fields of licensing, business development and commercialization of intellectual property. More than 1,000 individuals involved in patenting, marketing,

valuation, IP law, negotiation, and intellectual asset management have earned the CLP certification. CLP, Inc. is a 501(c)(6) organization whose mission is to elevate the licensing profession through knowledge and standards.

In 2018 Mr. Malackowski joined the Standards Development Organization Board of LES USA & Canada. LES standards are voluntary consensus-based professional practices that are guided in their development by the "American National Standards Institute's (ANSI's) Essential Requirements." ANSI is the unique accrediting agency in the United States for voluntary consensus standards development organizations. LES is an accredited ANSI Standards Developer and as such guarantees its constituents that its standards will be developed in a fair, balanced, consensus-based, due process driven way. LES standards are designed to encourage and teach consensus practices in many of the business process aspects of intellectual capital management and, where appropriate, offer enterprises the opportunity to differentiate themselves based on their use of these consensus professional practices, through certification of conformance to those standards.

Mr. Malackowski extends significant time to non-profit activities directed towards a further understanding of the economic importance of innovation and intellectual property, in both the United States and developing economies. These efforts include:

- Founding Board Member and member of the Executive Committee, United Stages Intellectual Property Alliance (USIPA) and Global Intellectual Property Alliance, (2020 -)
- Judge, University of Notre Dame McCloskey Venture Competition (2019 -)
- Advisory Council, University of Chicago, Pritzker School of Molecular Engineering (2018 - 2022)
- Judge, Illinois Technology Association, CityLIGHTS™ Innovation Awards (2013 - 2020)
- Member, World Economic Forum Network of Global Agenda Councils (2011 - 2012)
- Member, Master of IP Management & Markets Advisory Council, Chicago-Kent College of Law | Illinois Tech (2008 - 2018)
- Director, International Intellectual Property Institute, Washington D.C., (2002 - 2007)
- Resident Advisor, U.S. Information Agency, (1999)
- Resident Advisor, U.S. Department of Commerce Commercial Law and Development Program (1997)
- Founder and Chairman, The Center for Applied Innovation, Inc. (2004 -)

Recognizing the economic value created by new businesses enterprise protected by intellectual property, Mr. Malackowski has been appointed as a judge in numerous new venture competitions including:

- Judge, University of Notre Dame McCloskey Venture Competition (2019 -)
- Judge, 1st Source Bank Commercialization Awards (2019 -)
- Judge, Illinois Technology Association, CityLIGHTS™ Innovation Awards (2013 – 2020)
- PBS *Everyday Edisons* (2008)

In addition to his university instruction described herein, Mr. Malackowski focuses his non-for-profit efforts with those organizations leveraging science and innovation for the benefit of children.

- Director, Children’s Research Fund (2013); Co-Chair Annual Fund Campaign (2013)
- Director, National Inventors Hall of Fame, Inc. (NIHF) including service as a Member, Trustee or Director of related subsidiaries and Board Committees (2001 - 2022). The NIHF has provided summer enrichment programs for significantly more than one million students including [Camp Invention™](#) for kids in grades 1-6 (and their parents and teachers); [Collegiate Inventors Competition™](#) for college students (and their mentors); and, [Club Invention™](#) for kids in grades 1-6 (and their parents and teachers). NIHF provides more than 20,000 camp scholarships annually for children in financial need.
- President’s Council, Chicago Museum of Science and Industry (2005 - 2011) including participation on the Education Advisory Committee (2007 - 2009) and the Alternative Revenue Committee (2008 - 2011)
- Director, Stanley Manne Children’s Research Institute (2009 - 2020) including Chair of the Board’s Technology Transfer Committee (2014 - 2020) and the Strategic Planning Resources Committee (2011 - 2012). Mr. Malackowski is recognized for initiating the development of a program to measure and track innovation metrics relevant to the Institute.

Mr. Malackowski was the Founder of the Center for Applied Innovation, a Chicago based non-for-profit with both local and international programs. CAI was created to manage education, public policy outreach and related economic activity around applied technology and intellectual property (IP) rights in the State of Illinois and around the world.

- CAI created and patented the first commoditized contract for technology licensing, the Unit License Right™. This innovation has been licensed to the Chicago-based Intellectual Property Exchange International.
- Under Mr. Malackowski’s continued leadership as Chairman, CAI organizes the Invent for Humanity™ Technology Transfer Exchange Fair (InventforHumanity.org) launched in January, 2012, in Geneva, Switzerland. Invent for Humanity showcases field-ready, sustainable innovations, known as “appropriate technologies”, leveraging the experience of licensing professionals to match and structure the actual transfer of such technology to meet recognized needs of emerging market economies.

Mr. Malackowski’s association and non-profit activities are informed in part by his participation in the Harvard Business School Executive Education Program on Governing for Nonprofit Excellence, November 2000. Mr. Malackowski’s Board service is informed by his participation at the Rock Center Corporate Governance Directors College for Venture-Backed Company Directors, Stanford University, March 2016.

**RELATED
OFFICES**

BPG Bio, LLC, Member, Council of Advisors, Senior Advisor, Intellectual Property Licensing & Innovation (2012 - 2015)

The Copyright Hub, LLC d/b/a 3Discovered, Founder. The company was formed as a collaborative venture between Ocean Tomo, LLC and Liberty Advisor Group in 2013. 3Discovered is a current portfolio company of US-

based venture capital firm AITV. Mr. Malackowski served as Chairman of the company through September 2016. (2103 – 2106)

Career Capture, LLC, Secretary (2022 -). Career Capture is a video based recruiting platform focused on engineering and technical school graduates entering the labor market. The company is a University of Southern California Iovine & Young Academy project led by Chase J. Malackowski (son).

Curious Networks, Inc., Director, (1999 - 2000), Co-Chair of the Board's Strategic Partnership Committee. Mr. Malackowski led the company's first and second round of venture funding.

ewireless, Inc. (f/k/a JEMAN Holdings, Inc. d/b/a Cellular Linking), Director, (1995-1999, 2000-2002)

Ford Global Technologies, Inc., Ford Motor Company, Director (1997 - 2001). Mr. Malackowski advised Ford Motor Company on the original business strategy which led to the formation of FGTL. FGTL was the largest known technology management company in the United States during Mr. Malackowski's term.

Infocast, Corporation (OTC BB: IFCC.OB), Director (2001-2002). Member of the Audit and Compensation Committees. Mr. Malackowski led the transition of the company's senior management team and continued U.S. based funding efforts.

Insignis, Inc., Director (2000 - 2002) Mr. Malackowski led the company's first round of venture funding. Insignis is a Chicago based provider of institutional financial data services.

The Intellectual Property Coin Group, Inc., Chairman and Co-Founder (2018 - 2021). The company is a planned Ethereum based blockchain platform and related cryptocurrency designed to facilitate IP based transactions.

The Intellectual Property Exchange International, Inc. Mr. Malackowski was the founder of the company guiding initial product development of IPXI and recruitment of executive management. In 2011, IPXI was funded by an industry consortium including the Chicago Board Options Exchange. Mr. Malackowski was the Chair or Co-Chair of the Exchange from inception to February 26, 2015.

JEMAN Technologies, Inc., Founder. (1995 – 1999). Mr. Malackowski led the company's efforts to develop new technologies related to wireless direct response services. JEMAN was sold to ewireless, Inc. in 1999 as part of a venture transaction funded by Bedrock Capital Partners and Tredegar Investments.

Positive Growth Ventures, LLC, Chairman. (2021 -). Mr. Malackowski organized the formation of an industry collective to facilitate direct-to-consumer cooperative advertising for health supplements and related medical products.

Silent-Yachts Italia, Srl, Member, Advisory Board (2021 - 2023). Mr. Malackowski provided general business advice to both the company's chief executive as well as its original U.S. distributor of solar-electric catamarans. Silent-Yachts Italia is located in Fano, Italy. Mr. Malackowski led the creditors committee of contracted yacht buyers through a corporate restructuring in December 2023.

Solutionary, Inc., Director (2000 - 2013). Arranged and advised on Solutionary's asset acquisition of S3Networks effective August 31, 2001 and sale to strategic buyer in 2013. Member of the Board's Compensation Committee.

Sendle, Pty, Advisor (2012 - 2015). See www.Sendle.com.

**EDUCATION AND
CERTIFICATION**

University of Notre Dame, B.B.A., Bachelor of Business Administration with majors in Accountancy and Philosophy. Graduated Summa Cum Laude, 1985.

Certified Licensing Professional, Certificate Number 1606 issued July 1, 2008; Recertification through November 30, 2026.

Registered Certified Public Accountant, State of Illinois Certificate Number 41,187 issued October 3, 2006; License No. 239.007831; Expires September 30, 2025.

Certified in Financial Forensics, CFF™, American Institute of Certified Public Accountants, Certificate Number 391 issued July 31, 2008; Expires August 1, 2025.

Accredited in Business Valuation, ABV™, American Institute of Certified Public Accountants, Certificate Number 4278 issued May 31, 2014; Expires August 1, 2025.

Accredited in Blockchain Fundamentals for Accounting and Finance Professionals, American Institute of Certified Public Accountants, Certificate Number 15860970, 2018 - 2020.

**UNIVERSITY
INSTRUCTION**

John Marshall Law School, Intellectual Property Damages (1992 - 1994)

DePaul University, Intellectual Property Entrepreneurial Finance (2003)

The George Washington University Law School, Intellectual Property Management (2004)

The University of Chicago Graduate School of Business:

- Intellectual Property Investment (2004 - 2006)
- Entrepreneurial Discovery, MBA Course 34705, Adjunct Professors Mark Tebbe and Brian Coe (Fall 2014 - 2015)

Indiana University Kelly School of Business, Intellectual Property Finance (2005)

University of Notre Dame, Mendoza College of Business, Adjunct Instructor:

- MBA Interterm Intensives, Intellectual Property Based Market Transactions, Valuation and Trading (Fall 2006, Fall 2008)

- MBA Executive Program, Course MBAE 70639, Intellectual Property, (Spring Semester 2008)
- MBA Program, Litigation Support and Valuation (Spring 2009)
- Notre Dame Law School, Advanced Trial Advocacy, LAW 75713-10 (Spring 2017)
- Member, Venture Builder Community Advisory Board (2019 -)
- MBA 60452: Climate Resilience In Business & Communities (Fall 2023)

University of California at Berkeley Haas School of Business, Innovation Markets (2008)

Chicago-Kent College of Law, Adjunct Professor of Law, IP Financial Markets and Legal Principles (Fall 2008)

Rutgers Professional Science Master's Program, Fundamentals of Intellectual Property (Summer 2011 and 2024)

Northwestern University Kellogg School of Management, Adjunct Instructor:

- MGMT 441, Intellectual Property Management, Clinical Professor James G. Conley (Fall 2012, Spring 2013 - 2017)
- DSGN 460, Innovation in Context, McCormick Engineering School (Spring 2017)

University of Texas McCombs School of Business, MBA Course: Open Innovation, Professor Sirkka Jarvenpaa (Spring 2013)

University of Arizona, James E. Rogers College of Law, Advisor, Intellectual Property & Entrepreneurship Clinic (2017 -)

- IP Valuation (Spring 2017)
- IP Valuation for Commercial Transactions (Spring 2019)

University of Southern California, Lloyd Greif Center for Entrepreneurial Studies at the Marshall School of Business, Entrepreneurs Guide to Intellectual Property, Professor Luke L. Dauchot, JFF 322 (Fall 2017)

MEMBERSHIPS

American Institute of Certified Public Accountants, Member 01182237 (1985 -)
 Private Directors Association (2023 -)
 The Economic Club of Chicago (1990 - 2019)
 The Licensing Executives Society (1988 -)
 Young Presidents' Organization ("YPO" / "YPO Gold" Chicago Chapter, 2006 – 2017) (Mid-America U.S. At Large Chapter, 2019 - 2021)

RECOGNITION AND AWARDS

Individually, Mr. Malackowski has been recognized for his expertise as well as his work in developing markets for intellectual property transfer including:

- Inductee, IP Hall of Fame (2022). Mr. Malackowski was inducted as the 87th member of IP Hall of Fame, joining 13 current or former Directors of governmental patent offices, 10 former judges, two past U.S. Presidents, Nikola Tesla, and Thomas Edison.

- Received Q. Todd Dickinson Award, which honors those who have made significant contributions to IP as a business asset (2022)
- *EY Entrepreneur Of The Year®*, Regional Semifinalist (2019 and 2020)
- “IAM Global Leaders”, *IAM Magazine* (2020)
- “IAM Patent 1000: The World’s Leading Patent Professionals”, *IAM Magazine* (2015-2021)
- Named to the *National Law Journal’s* inaugural list of 50 Intellectual Property Trailblazers & Pioneers. (August 2014)
- Named as 1 of 60 leading global Economics Expert Witnesses in the *IAM Patent 1000*, *IAM Magazine*. Selection based on interviews by IAM researchers with more than 100 patent litigators. (May 2014)
- Inductee, Chicago Area Entrepreneurship Hall of Fame as selected by the Institute for Entrepreneurial Studies at the University of Illinois at Chicago College of Business Administration, (2013; 28th Year of Program)
- Named as 1 of 50 Individuals, Companies and Institutions that Framed the First 50 Issues of *IAM Magazine*, November / December 2011.
- “IP Personalities of 2008”, *IAM blog* by Joff Wild, Editor
- “IAM Strategy 300: The World’s Leading IP Strategists”, *IAM Magazine* (2012-2021); formally presented and included as “World’s 250 Leading IP Strategists”, *IAM Magazine* (2009-2011)
- “50 Under 45”, *IP Law & Business™* (2008)
- “The Most Influential People in IP”, *Managing Intellectual Property™* (2007)
- Member, IP Hall of Fame Academy (2007-)

Ocean Tomo as a firm has been likewise recognized for its accomplishments including:

- Ocean Tomo was chosen as the exclusive U.S. representative for the 2016 Healthcare & Pharma Leading Expert Awards by *Global Health & Pharma Magazine*.
- Ocean Tomo was recognized as a member of the 2015 *Inc.5000®* list of fastest-growing private companies in America.
- Ocean Tomo was honored in 2011 with the “Best of Chicago Award in Investment Advisory Services” by the U.S. Commerce Association (USCA).
- In addition to Mr. Malackowski, Ocean Tomo as a firm was named as 1 of 50 Individuals, Companies, and Institutions that Framed the First 50 Issues of *IAM Magazine*, November / December 2011 and the only firm other than Microsoft (2 of 50 mentions) to be recognized multiple times (5 of 50 mentions).
- The firm’s Chicago office was presented the 2011 *Alfred P. Sloan Awards for Business Excellence in Workplace Flexibility* after having been finalist for scoring in the top 20% of all firm’s measured nationally.
- Ocean Tomo was recognized in 2010 by Corporate Voices for Working Families for its work-life balance as part of the National Workplace Flexibility Campaign published by *USA Today*.
- Ocean Tomo was recognized as a juried Finalist for the Illinois Technology Association 2010 CityLIGHTS Award for raising the stature of the Illinois technology industry.
- Selected as case study organization for Haas School of Business, University of California, Berkeley (2009)
- Selected as case study organization for Harvard Business School MBA Program (2008)

- Ocean Tomo was named one of 20 small and mid-sized firms recognized as the “Best Places to Work in Illinois” by Best Companies Group in a competition sponsored by the Illinois Chamber of Commerce and the Illinois State Council Society for Human Resource (2007)
- Ocean Tomo Auctions received the 2006 Chicago Innovation Award for most innovative new product or service introduced between January 1, 2005, and July 31, 2006, that uniquely satisfied unmet needs in the marketplace. The award was presented by Kuczmarski & Associates and the *Chicago Sun-Times*.
- Ocean Tomo Auctions was awarded the Department of Commerce Technology Administration & National Knowledge & Intellectual Property Management 2006 Innovator of the Year Award.
- Ocean Tomo was recognized as a “Top Ten IP Newsmakers of 2006” by *IP Law & Business*, Almanac 2006.

Numerous authors and graduate business programs have written case studies about Ocean Tomo and its affiliates including:

- Piscione, Deborah Perry, The Risk Factor, Copyright 2014.
- Houle, David, Entering the Shift Age, Copyright 2013.
- Kuczmarski, Thomas D., Dan Miller and Luke Tanen, Innovating Chicago-Style: How Local Innovators Are Building The National Economy, Copyright 2012.
- Houle, David, The Shift Age, Copyright 2007.
- Chesbrough, Henry, Open Business Models: How to Thrive in the New Innovation Landscape, Copyright 2006.
- Harvard Business School Case Study
- University of California Business School Case Study

RELATED U.S. SPEECHES AND PUBLICATIONS

“The Determination of a Reasonable Royalty: Hypothetical Negotiation v. A General License Agreement”, The Licensing Executives Society, Chicago Chapter, December 8, 1987.

“The Business Economics of Technology Development”, The Licensing Executives Society, New England Chapter, February 9, 1988.

“The Importance of Protecting Intellectual Property Through Corporate Transition”, Licensing Executives Society, National Meeting, October 18, 1989, Moderator.

“Valuation of Intellectual Property Rights”, The Chicago Bar Association, March 6, 1990.

“Dispute Resolution -- There Are Alternatives!”, Licensing Executives Society, National Meeting, October 22, 1990.

“How to Value a License”, Adding to the Bottomline Through Licensing, LES / John Marshall Law School, November 1, 1990.

“An Advanced Discussion on Licensing and Patent Damages”, Licensing Executives Society, National Meeting, October 28, 1992.

“An Advanced Discussion on Patent Damages”, Licensing Executives Society, National Meeting, October 18, 1993.

Royalty Provisions in Technology License Agreements, Technology Transfers, American Conference Institute, November 15 & 16, 1993.

“Commercializing Technology and the Intellectual Property Quality Management Imperative”, Technology Transfer, American Conference Institute, June 20 & 21, 1994.

“How to Accurately Value Software”, The Software Protection and Litigation Institute, July 28 & 29, 1994.

“IP Damages Advanced Case Studies”, Licensing Executives Society, National Meeting, October 19, 1994.

“Preparation and Presentation of Damages by Outside Consultants”, AIPLA Mid-Winter Meeting, February 1, 1995

“Damages Discovery - An Expert's Perspective”, Intellectual Property Law Association, New York, December 15, 1995.

“Pre-Litigation Damages Techniques: Patents and More”, The Intellectual Property Strategist, March 1996.

“Corporate Exposures to Copyright, Patent, Trademark, and Trade Secret Claims”, Digital Bullets - Digital Shields: A Financial Perspective, American Conference Institute, New York, March 5, 1996.

“IP Management and Taxation - How companies are proactively managing IP assets to maximize shareholder value, including measuring contribution of IP protection to corporate value”, American Bar Association, Virginia, April 11, 1996.

“Effectively Select & Use Experts in Trademark & Copyright Cases”, AIPLA Spring Meeting, Boston, May 1, 1996.

“The Industry-University Interface: Mechanisms For Technology Transfer”, 1996 AUTM Central Region / Licensing Executives Society Chicago Chapter, Chicago, July 21, 1996.

“Valuing Health Care Technologies”, Licensing Executives Society Winter Meeting, South Carolina, March 13, 1997.

“Creative Marketing & Packaging - How to Differentiate Yourself in a Competitive Market”, CTIA Annual Meeting, Atlanta, February 23, 1998.

“Intellectual Property Valuation: The Latest Techniques from Boardroom and Courtroom”, Patent Law Association of South Florida Annual Meeting, Fort Lauderdale, October 22, 1998.

“The Aftermath of *Rite-Hite v. Kelly*”, 16th Judicial Conference of the U.S. Court of Appeals for the Federal Circuit, Washington D.C., April 6, 1999.

“Expert Admissibility After Daubert”, Wisconsin Academy of Trial Lawyers, Milwaukee, December 3, 1999.

“Intellectual Property Strategic Planning: a Corporate Perspective”, Research Directors Association of Chicago, Winter Meeting, January 10, 2000.

“Intellectual Property Asset Management: Linking IP and Corporate Strategy”, 44th Annual Conference on Developments in Intellectual Property Law, John Marshall Law School, Chicago, February 25, 2000.

“Boost Your Client’s Intellectual Capital IQ: Get Top Management Involved”, Corporate Legal Times, October 2000, p. 104.

“Strategic and Financial Opportunities for Privately Held and Public Middle Market Companies: Building Shareholder Value”, The Standard Club, Chicago, October 5, 2000.

“Commercializing Intellectual Capital Through Venture Funding”, LESI Expanded Board of Directors Meeting and Seminar, Delray Beach, Florida, January 26, 2001; LES Chicago Meeting, May 10, 2001.

“New Paths to Growth: Joint Ventures and Accessing Equity Capital”, Panel Presentation and Discussion, LaSalle Street Project Economic Summit, Chicago, May 10, 2001.

ViewPoints, The Newsletter of the Licensing Executives Society (U.S.A. and Canada), Inc., President’s Column: Vol. VIII No. 5, Nov. / Dec. 2001, “President Changes the Way LES Does Business”; Vol. VIV No. 1, Jan. / Feb. 2002, “It’s Time To Count Our Intellectual Assets”; Vol. VIV No. 2; Vol. VIV No. 3, May / June 2002, “Mid-Year Review”; Vol. VIV No. 4, July / August 2002, “Ethical Issues Related To Intellectual Property”.

“Venture Investment Grounded In Intellectual Capital”, From Ideas To Assets: Investing Wisely in Intellectual Property, Edited by Bruce Berman, John Wiley & Sons, Inc., 2002.

“Current Issues in Accounting for Intangibles”, Congressional Economic Leadership Institute, Panel Presentation and Discussion with Steven H. Wallman, Former Commissioner, United States Securities and Exchange Commission, Washington, DC, May 1, 2002.

“Intellectual Capital Based Corporate Carve-outs: Strategy, Structure and Funding”, James E. Malackowski and Suzanne Harrison, The LESI Guide to Licensing Best Practices, Edited by Robert Goldscheider, John Wiley & Sons, Inc., 2002.

“Intellectual Property Finance: Securitization to Venture Capital”, American Bar Association Intellectual Property Law Conference, Philadelphia, June 28, 2002.

“The IPI Roundtable: The New Emphasis on Patent Value – Opportunities and Challenges”, Washington DC, July 22, 2002.

“Moving Technology from University to Marketplace: Business Creation and the Venture Capital Community, Licensing Executives Society Annual Conference, Chicago, September 24, 2002.

“Presidents’ Forum on Intellectual Property: A Leadership Discussion with The Licensing Executives Society, the American Intellectual Property Law

Association, the Association of University Technology Managers, the Intellectual Property Owners Association, The National Inventors Hall of Fame, and BIO”, Licensing Executives Society Annual Conference, Chicago, September 24, 2002.

“Extracting Value From Your Intellectual Asset Portfolio: Ensuring ROI from IP and Technology Assets”, World Research Group, November 22, 2002, Chicago, Illinois.

“Licensing”, American Intellectual Property Law Association 2003 Mid-Winter Institute, Marco Island, Florida, January 22 – 25, 2003.

“Cashing in on Chicago: A Closer Look at Liquidity in the Heartland”, The Executives’ Club of Chicago, Panel Discussion, February 11, 2003.

Conference Chair and Speaker, “Optimizing Valuation & Value Realization of your IP/Intellectual Assets”, World Research Group, Las Vegas, February 27-28, 2003.

Live Webcast, “Turning Your Intellectual Property into Cash”, Ernst & Young Business Insights, April 28, 2003.

Intermediate PDS Workshop: Application of Private Equity and Leveraged Finance Investing to Intellectual Property, LES / AUTM Summer Meeting, Philadelphia, May 8, 2003.

World Research Group, Advanced Intellectual Property Structured Finance, Conference Co-Chairperson, New York City, June 29-30, 2003.

The Conference Board, The 2003 Conference on Intellectual Asset Management & Value Reporting, “Application of Private Equity and Leveraged Finance Investing to Intellectual Property”, Chicago, June 4, 2003.

Intellectual Property and Information Technology for Investment Funds, “Intellectual Capital Equity Management”, Panel Discussion Sponsored by Schulte Roth & Zabel, New York City, June 18, 2003.

Chicago Capital Access Forum III, “Private Investors: The Case for Domestic Emerging Market Investments”, Panel Discussion, Chicago, June 26, 2003.

Pension Consultants’ Forum, “Extracting Value from Private Equity Investing”, World Research Group, Chicago, July 22, 2003.

Midwest Intellectual Property Institute, “Intellectual Capital Equity Management”, Minneapolis, September 19, 2003.

“Intellectual Asset Strategies”, Add-On Seminar at the 2003 Licensing Executives Society Annual Meeting, San Diego, September 25, 2003.

“Leveraging Intellectual Property”, Keynote Speaker, Thomson Financial Thought Leadership Forum, New York, October 8, 2003.

“Beyond Licensing: Innovative Techniques for Extracting Value”, Advanced Forum on Licensing Intellectual Property, San Francisco, December 9, 2003.

Intellectual Asset Management, *Column: IP Merchant Banker*, Douglas R. Elliott & James E. Malackowski, Issue 01, “Challenges of the Fifth Epoch”, July / August 2003; Issue 02, “What the Market Fortells”, September / October 2003; Issue 03, “Economics, Ethos and Intellectual Ethics”, December / January 2004; Issue 04, “Patent Predictions – facts or fictions?”, February / March 2004; “Wealth management in the age of patents”, June / July 2004; “Patent pools – the 80% solution”, August / September 2004.

“Intellectual Capital Equity Management: IP as an Asset Class”, Minnesota State Bar Association Continuing Legal Education, Minneapolis, January 15-16, 2004.

“Understanding the Motivations Behind an IP Structured Finance Transaction”, “Analyzing the Anatomy of A Patent-Based Structured Finance Transaction”, World Research Group, New York, January 21-22, 2004.

“Managing Your Intellectual Property”, Investment Banking for Women / Minority Owned Business Enterprises, Annual Forum, Conference Co-Chairperson, Chicago, March 3-5, 2004.

“Private Equity: Investor Capital for Mature Businesses”, *DreamMakers* Forum 2004, Santa Barbara, California, March 7 – 10, 2004.

“IP Finance: Convergence of IP Valuation and Value Creation”, World Research Group 2nd Annual Strategies and Solutions for Optimizing IP Valuation & Value Creation, Chicago, March 23 – 24, 2004.

“Leveraging the Value of Intellectual Property”, Creating, Managing & Valuing an Intellectual Property Portfolio, Vedder Price Conference Series, Chicago, April 28, 2004.

“Federal Circuit Damages Decision Emphasizes the Importance of Sound Economic Models”, *IP Review*, McDermott Will & Emery, with Robert M. Hess, Spring 2004.

“Intellectual Property Merchant Banking: Leveraging Corporate Intangible Assets”, The Licensing Executives Society (U.S.A. & Canada), Inc., Fairfield-Westchester Counties Chapter, June 23, 2004.

“Intellectual Property Financing and Securitization: Conclusions and Future Implications for Financing the IP Market”, New York, New York, July 21, 2004.

“Emerging Financial Concepts in IP Asset Management”, Mining Patent Portfolios, Seattle, Washington, September 13, 2004.

“Intellectual Property Investment”, National Institutes of Health, Commercialization Assistance Program, Larta Institute, Chicago, November 12, 2004.

“Using Intellectual Property to Grow”, The Beacon, Chicagoland Entrepreneurial Center, Volume 3, Issue 4, December 10, 2004.

“Techniques for Assessing the Value of Your IP Portfolio”, The Wall Street Transcript Intellectual Property Conference, New York, January 27, 2005.

“The Tipping Point: Assessing Major Challenges and Growth Opportunities in IP Finance”, Moderator, The 3rd Annual Advancing IP Structured Finance World Research Group Conference”, New York, February 3, 2005.

“Commerce One IP Auction”, Optimizing IP Valuation and Value Creation, World Research Group Conference, Miami, March 30-31, 2005.

“Intellectual Capital Equity Management: IP As An Asset Class”, Minnesota Continuing Legal Education Conference, Minneapolis, May 12, 2005.

“Techniques for Evaluating IP Potential”, Life for After Rembrandts, Law Seminars International, Chicago, Illinois, August 4, 2005.

Keynote Address, 2nd Annual Intellectual Property Financing and Securitization Summit, New York, September 26, 2005.

“The Power of Intellectual Property in Private Equity Deals”, Association for Corporate Growth and The Licensing Executives Society Connecticut Chapters, Greenwich, Connecticut, October 6, 2005.

“Maximizing the Value of Distressed Debt Backed by Intellectual Property”, Financial Research Associates Distressed Debt Summit 2005, New York, October 7, 2005.

“To Sell or Not to Sell”, Licensing in the Boardroom 2005, a supplement to *Intellectual Asset Management* magazine, 2005.

Patent Auctions & Marketplaces: Leveraging Value from Under-employed Technologies, IP Master Class Presentation, Washington DC, January 10, 2006.

“Risky Business: Overlooking Patents as Financial Assets”, Making Innovation Pay, Edited by Bruce Berman, Published by John Wiley & Sons, Inc., 2006.

“The State of Development & Current Trends in IP Structured Finance” and “The Tipping Point: Assessing Major Challenges, Growth Opportunities and Future Trends in IP Finance”, Moderator, The 4th Annual Summit on IP Structured Finance, New York, March 22-23, 2006.

“Generating Revenue From Your Inventions”, IIR 2nd Annual Summit on IP Rights for Financial Services, New York, April 25-26, 2006.

“A Behind the Scenes Look at the Patent Bazaar: How Companies and Industry Are Buying and Selling Patents”, Innovators in IP Litigation, IP Law & Business, San Jose, California, May 17, 2006.

“Patent Markets and Their Impact to R&D Strategy”, Industrial Research Institute Annual Meeting, May 21-24, 2006, Colorado.

USC Gould School of Law 2006 Intellectual Property Institute; Featured Speaker, “A Final Word”; Panelist, “Patent Trolls: The Good, the Bad and the Ugly”; May 23, 2006, Los Angeles.

“Patent Auctions: Past, Present & Future”, The 50th Annual Conference on Developments in Intellectual Property Law, John Marshall Law School Center for Intellectual Property Law, May 25-26, 2006, Chicago. Speech published as

“The Intellectual Property Marketplace: Past, Present and Future”, 5 J. Marshall Rev. of Intell. Prop. L. 605, (2006)

“Patent Auctions: Risky Endeavor or Legitimate Market Opportunity?”,
Strafford Legal Teleconference Presentations, June 8, 2006.

The Intellectual Property Investment Summit: Connecting Investors with
Strategic Intellectual Property Opportunities, presented by the Center for
Applied Innovation, Summit Co-Chairperson, June 15, 2006, Chicago.

Innovative Structures for Acquiring Intellectual Property: The Benefits,
Challenges and Process, LSI Law Seminars International, Program Co-Chair,
July 17, 2006, Chicago.

“Licensing and Intellectual Property”, Chicago Regional Independent Inventor’s
Conference, Presented by the United States Patent and Trademark Office,
Northwestern University School of Law, and the National Inventors Hall of
Fame Foundation, July 28-29, 2006, Chicago.

“Reinventing the IP Marketplace – The Exclusive Ocean Tomo Patent Auction
Case Study”, IP Licensing Summit: Practical Strategies to Maximize Revenue in
Today’s Challenging Intellectual Property Marketplace, August 21-23, 2006,
New York.

“Unlocking the Value of Intellectual Property Rights”, Conference of the
International Bar Association, September 20, 2006, Chicago.

“This Too Shall Pass”, Americas IP Focus 2006, Managing Intellectual Property
Rights, Copyright, Euromoney Institutional Investor, PLC, 2006.

“Developing Markets for Intellectual Assets and Technology”, 21st Annual
Intellectual Assets and Technology Law Institute, October 5 & 6, 2006, Irving,
Texas.

“Patent Damages” and “Patent Reform Efforts: An Update and Review”, The
Sedona Conference Patent Litigation VII, October 12-13, 2006, Sedona,
Arizona.

“Patent Auctions”, 44th Annual Intellectual Property Law Conference, The
Center for American and International Law, November 9-10, 2006, Plano,
Texas.

“The Future of Developing IP Markets”, 3rd Annual Monetization of Intellectual
Property & Intangible Assets, Strategic Research Institute, November 16-17,
2006, Boston.

“The IP Transactional Landscape”, Economics of IP Based Transactions,
National Knowledge & Intellectual Property Management Taskforce Series
Program, November 29-30, 2006, Washington, D.C.

Keynote Presentation, The Business of Intellectual Property Conference, Tech
Council of Maryland, Rockville, Maryland, January 10, 2007.

Luncheon Speaker, Corporate Intellectual Property Roundtable, Georgia State
University College of Law, Atlanta, January 24, 2007.

“Patent Markets”, American Intellectual Property Law Association, 2007 Mid-Winter Institute, New Orleans, January 24-27, 2007.

“Assessing the Real Value of Your IP Portfolio” and “Growing IP Impact on Public and Semi-Public Markets”, The 5th Annual Summit on Monetizing, Financing & Securitizing IP, New York, January 30-31, 2007.

“Ocean’s 300”, Moderator, World Intellectual Property Review 2007, pp. 16-20.

“The Intellectual Property Marketplace: Emerging Transaction and Investment Vehicles”, Co-author with Cardoza, Gray and Conroy, *The Licensing Journal*, Aspen Publishers, Vol. 27, No. 2, pages 1 - 11, February 2007.

“The Importance of Emerging Intellectual Property Market Opportunities to the City of Chicago”, Keynote Speaker, Notre Dame Club of Chicago Meeting, Chicago, March 8, 2007.

“The Intellectual Property Marketplace”, Harvard Business School Club of New York, New York, April 12, 2007.

Keynote Address, BRICs & Mortar: Technological Drivers in Booming Economies of Brazil, Russia, India and China, Northwestern University Journal of Technology & Intellectual Property Second Annual Symposium, Chicago, April 13, 2007.

“Innovation Measurement: The Economic Impact of Patent Value”, Co-author with Barney, Cardoza, Walker and Gray, Submission to United States Department of Commerce Economics and Statistics Administration, Pursuant to Notice in the Federal Register, Vol. 72, No. 71, 18627, May 11, 2007.

“Objective Patent Valuation”, Business Meeting, Association of Corporate Patent Counsel, Newport, Rhode Island, June 27, 2007.

“Intellectual Property Exchange Chicago”, a two-day symposium presented by The National Knowledge & Intellectual Property Management Taskforce and The Center for Applied Innovation, Moderator and Speaker, July 17 – 18, 2007, Chicago.

“Start-up Stories: Tales from the Front Line”, TiE Midwest, August 1, 2007, Chicago.

Keynote Address, Notre Dame Financial Executives Alumni Conference, September 21, 2007, South Bend, Indiana.

“The Birth of an IP Marketplace”, Missouri Bar Association Seminar, November 2, 2007, St. Louis, Missouri.

“Market Forces and IP”, The Giles S. Rich American Inn of Court, Howard University, January 17, 2008.

“Market for Technology: Challenges and Opportunities”, Panel Discussion on Impediments to Technology Markets, Duke University’s Fuqua School of Business, February 20, 2008.

“IP Markets – An Intangible Walk Down Wall Street”, Keynote Address, Securities Industry and Financial Markets Association, March 11, 2008, New York.

“Patent Valuation, Is there One or Many?”, Mini-Plenary Session of the High Tech Sector, The Licensing Executives Society International Annual Meeting, May 7, 2008, Chicago.

“What is Patent Quality – A Merchant Banc’s Perspective”, with Jonathan A. Barney, *les Nouvelles*, June 2008, p. 123 – 134.

“Intangibles in the Firm and Financial Markets”, *Intangible Assets: Measuring and Enhancing Their Contribution to Corporate Value and Economic Growth*, The National Academies, Washington DC, June 23, 2008.

“Developing IP Markets: Opportunity for the Financial Services Industry”, Keynote Address, The 5th Annual Patents & The Financial Services Industry Symposium, New York, July 29, 2008.

“New Trends in Monetizing IP Rights: Trolls, Licensing and Securitization”, Managing *Intellectual Property* Webinar, September 3, 2008.

“Magnificent Mile – Shopping for the Ideal IP Expert”, DRI Intellectual Property Litigation Seminar, September 4-5, 2008, Chicago.

From Assets to Profits: Competing for IP Value and Return, Contributing Author, Edited by Bruce Berman, John Wiley & Sons, November 2008.

Ocean Tomo: The New Kid on the (Auction) Block is All Grown Up, Institute for Law and Technology, 46th Annual Conference on Intellectual Property Law, November 10 – 11, 2008, Plano, Texas.

Federal Trade Commission: The Evolving Intellectual Property Marketplace, Keynote Address, Public Hearings, April 17, 2009, Washington, DC.

“Protecting and Commercializing New Ideas”, CoreNet Global Chicago Chapter Meeting, Chicago, May 13, 2009.

“The Future of the IP Marketplace”, Moderator and Plenary Speaker, IP Markets 2009, Chicago, July 23, 2009.

“Staying Ahead of the Curve – Strategic Intelligence, Value Assessments and Monetization in a Highly Competitive Economy”, The 6th Annual Patents & The Financial Services Industry Conference, New York City, July 28-29, 2009.

“Helping Companies in a Down Economy: Strategic Planning for Identifying and Valuing Your IP”, American Bar Association Annual Meeting, Chicago, July 31, 2009.

“Managing IP During Uncertain Times”, NanoBusiness Alliance Conference, Chicago, September 8, 2010.

National Economic Framework for Intellectual Property Based Commerce, A Research Report by the National Knowledge & Intellectual Property Management Taskforce, Net Worth Press, 2009.

“The Role of IP in Tough Economic Times and How to Use it to Your Advantage: Corporate Recovery and Restructuring”, Licensing Executives Society Annual Meeting, San Francisco, October 19, 2009.

“Global IP Market Development”, 11th Annual Utah IP Summit, Salt Lake City, February 13, 2010.

“Law, Economics, Business and Policy Implications for Innovation and Competition of Diverse Business Models for Using Patents”, Stanford University Hoover Institution Annual Conference, Stanford, California, June 25, 2010.

“Establishing an Objective Value of IP”, IPO Annual Meeting, Atlanta, September 14, 2010.

“Intellectual Property and the Marketplace: Hot Topics Impacting the Role of Patents, Trademarks and Copyrights in Today’s Business World”, Vedder Price Illinois Continuing Legal Education Forum, Chicago, October 6, 2010.

“IP Essentials for the Chief Executive Officer”, Illinois Technology Association, Chairman’s Dinner Keynote Speaker, Chicago, October 20, 2010.

“Valuation of IP in Emerging Market Platforms”, 2010 IP Damages Institute, CalCPA Education Foundation, Los Angeles, November 8, 2010.

“Shifting Sands: What is Discoverable and Admissible for Damages, Willfulness and Other Purposes”, Intellectual Property Owners Association CLE Roundtable, Washington, DC, March 21, 2011.

“Intellectual Property: From Asset-to-Asset Class”, Intellectual Property Strategies for the 21st Century Corporation, Bryer, Lebson & Asbell Editors, John Wiley & Sons, Inc., 2011.

“The Next Big Think in Monetizing IP: A Natural Progression to Exchange-Traded Units”, Ian D. McClure co-author, *LANDSLIDE*, A Publication of the ABA Section of Intellectual Property Law, Volume 3, Number 5, May/June 2011, pp. 32-37.

“Risk Management Strategies to Defend Against Patent Trolls and the New Trend in Patent Royalty Trusts”, 2011 Congress on Patent Strategies for the Financial Services Industry, New York, September 19-20, 2011.

“Patent Quality and its Impact on Valuation”, Licensing Executives Society United States and Canada, Inc., Annual Meeting, San Diego, October 17, 2011.

Introduction, “LESI Global Technology Impact Forum (GTIF) Creates Tech Transfer Platform”, *les Nouvelles*, Journal of the Licensing Executives Society International, Volume XLVII No. 2, June 2012.

Panelist, “IP Monetization”, McDermott Will & Emery 2012 Intellectual Property Symposium, Chicago, June 14, 2012.

Keynote Address, Northwestern Law Fifth Annual Conference on Entrepreneurship and Innovation, Chicago, June 14, 2012.

“IP Market Development”, 38th Annual Intellectual Property Law Summer Institute, Sponsored by the Intellectual Property Law Section of the State Bar of Michigan, Traverse City, Michigan, July 21, 2012.

“An Investors’ Perspective on IP”, CenterForce IP Strategy Summit, New York City, New York, November 13, 2012.

“Investing in IP”, DealFlow Media Webinar, January 10, 2013.

“Evolving IP Marketplace”, American Intellectual Property Law Association, Mid-Winter Meeting, Tampa, Florida, February 1, 2013. Includes paper: *New Emphasis on the Analytical Approach of Apportionment In Determination of a Reasonable Royalty* by James E. Malackowski, Justin Lewis and Robert Mazur.

“An Inventor’s Walk Down Wall Street”, PatCon 3 at Illinois Institute of Technology Chicago-Kent School of Law, Chicago, April 12, 2013.

Report on Judge Rader Comments at the 2013 LESI Annual Conference, LES Global News, Vol. XLVIII No. 2, June 2013.

“Strategic Insights”, Plenary Panel Discussion, IPBC 2013, IP Business Congress, Boston, June 9, 2013.

“IP and Antitrust”, Panel Discussion, McDermott 2013 IP Symposium, June 13, 2013, Chicago.

IP Investments and Markets Presented by the Center for Applied Innovation, Panelist on IP Marketplace, Chicago, June 25-26, 2013.

Capturing Innovation, Irish Entrepreneurs: An Affiliate Group of the Notre Dame Club of Chicago, Chicago, September 5, 2013.

Preventing the Napsterization of 3D Printing: Areas for Industry Collaboration and Transparency, Inside 3D Printing Conference and Expo, San Jose, California, September 18, 2013.

The Latest Thinking about Non-Practicing Entities, 2013 AIPLA Annual Meeting, Washington, DC, October 25, 2013.

Challenges and Opportunities in Asia, Think Asia, Think Hong Kong: IP, Technology & China/U.S. Opportunities, The Hong Kong Business Association of the Midwest, Chicago, November 19, 2013.

Rationalizing Remedies, The 2013 Patent Institute presented by Cravath Swain & Moore, New York, December 5, 2013.

Special Address: Looking to the Future of the Intellectual Property Marketplace – Where Will We Be in 2020?, Best Practices in Patent Monetization, Law Seminars International, San Francisco, March 6-7, 2014.

Reinventing Finance: Funding Innovation Beyond Silicon Valley, Forbes Reinventing America Summit, Chicago, March 27-28, 2014.

IP Pricing – Current Issues for Markets and Courts, Georgia State University / Licensing Executives Society Joint Meeting, Atlanta, May 28, 2014.

The Growing Global 3DP IP Market & How Much Is At Stake, 3D Printing Politics, Washington D.C., September 17, 2014.

The Changing Role of the Expert, 2014 IP Institute presented by the Engleberg Center on Innovation Law & Policy at New York University and Cravath, Swaine & Moore, LLP, New York, December 4, 2104.

“Intellectual Property Exchange”, Dallas Chapter Meeting of the Licensing Executives Society (USA & Canada), Inc., Dallas, January 22, 2015.

“Actavis, Valuation, and Fairness Opinions”, 2015 Generic Pharmaceutical Association Annual Meeting, Miami, February 9-11, 2015.

Patent Damages Roundtable, USC Gould School of Law 2015 Intellectual Property Institute, Los Angeles, March 23, 2015.

“Intellectual Property Impact on M&A”, Transaction Advisors Midwest Symposium, Chicago, September 17, 2015

“The Changing Landscape of Patent Value and Patent Risks”, 2016 Berkeley Law / Cleary Gottlieb M&A-IP-Antitrust Conference, Berkeley Center for Law, Business and the Economy, San Francisco, January 29, 2016.

“Damages Experts on Evidence and Gatekeeping”, The University of Texas School of Law Conference on Patent Damages, Austin, Texas, June 9-10, 2016.

“Investing In Innovation: Global Trends In Innovation and Sustainability”, CFA Society of Chicago, Chicago, September 28, 2016.

IP Remedies Roundtable and Workshop, USC Gould School of Law 2017 Intellectual Property Institute, Los Angeles, March 20, 2017.

“Economic Tools Used for Damages Estimation”, Panel Discussion, Intellectual Property Owners Association, Chicago, June 7, 2017.

“Quantitative Approaches to Determining FRAND Royalties”, Intellectual Property Owners Association Annual Meeting, San Francisco, September 18, 2017.

“The Intersection of Intellectual Property, Blockchain and Cryptocurrency”, Licensing Executives Society International Annual Conference, San Diego, April 30, 2018 – May 1, 2018.

“Best Practices and Useful Tools for Assessing the Value of Your Company’s IP”, American Intellectual Property Law Association 2018 Spring Meeting, May 15 - 17, 2018.

“Practical Blockchain”, IDEA Week Innovation Festival, South Bend, Indiana, April 8, 2019.

“Blockchain Primer,” Introductory Remarks by Hon. Kara F. Stoll, The Giles S. Rich American Inn of Court, Washington D.C., February 11, 2020.

Managing Your Intellectual Property, LESI Business Briefings, Series Co-author, May 2020.

“IP Transaction Ecosystem: An Update on Market Activity”, LES USA & Canada, Inc., Greater Washington D.C. Chapter, September 9, 2021.

“Judicial Perspectives on Using Damages Specialty Experts”, Intellectual Property Law Association of Chicago, Litigation Committee, September 15, 2021

“Global Patent Issues”, Plenary Panel, University of Illinois Chicago 65th Annual IP Law Conference, UIC School of Law, Chicago, November 4, 2021.

“Issue 6: Damages. What are the proper standards for the admissibility of expert testimony regarding patent damages? What are the proper uses for licenses in a patent damages analysis?”, Panelist, The Naples Roundtable, a part of the Leahy Institute, February 17-18, 2025.

“*Peeling Back the Value: Why Art is Worth More Than Meets the Eye*”, with Erin Hollenbank, Claims Journal, March 15, 2025.

**INTERNATIONAL
SPEECHES AND
PUBLICATIONS**

“Taxation Issues when Licensing with the U.S.”, Licensing Executives Society International, South Africa Conference, January 28, 1996.

“Intellectual Property Damages: Advanced Case Studies”, Licensing Executives Society Annual Meeting, Puerto Rico, September 30, 1996.

“License Agreement Royalty Audits: Untapped Riches Or Fool's Gold?”, Licensing Executives Society Annual Meeting, Puerto Rico, October 1, 1996

“Valuation of IPR”, Conference on Appeals Related to Intellectual Property, Bucharest, Romania, November 20, 1997.

“Avaliacao e Contabilizacao de Propriedade Intelectual – Metodologia e Aspectos Fiscais”, XIX Seminario Nacional de Propriedade Intelectual, Rio de Janeiro, Brazil, August 16, 1999.

“Avaliacao e Contabilizacao de Propriedade Intelectual”, Conferencia pela Consulate General of the United States of America, Sao Paulo, Brazil, August 18, 1999.

“Avaliacao e Contabilizacao de Propriedade Intelectual”, Conferencia pela Consulate General of the United States of America, Curitiba, Brazil, August 20, 1999.

“IP Valuation Trends”, Licensing Add-on Seminar, LESI Annual Conference, Krasnapolsky, Amsterdam, Netherlands, May 21, 2000.

“Intellectual Property from a Board Room Window”, Plenary Session II LESI Strategies, LESI Annual Conference, Krasnapolsky, Amsterdam, Netherlands, May 23, 2000.

“Due Diligence in an Intellectual Capital Focused Investment”, LES Annual Conference Add-on Session, Toronto, September 14, 2000.

“What’s New in Intellectual Property Asset Management”, Panel Discussion, 8th Annual Intellectual Property Law Institute, State Bar of Georgia, Puerto Vallarta Mexico, November 15, 2002.

“Les brevets en tant qu’actifs économiques: comment les exploiter au mieux” and “Brevets et financement: couvrir les couts, trouver des investisseurs”, Un System Du Brevet Competitif Pour L’Europe, sponsored by the European Patent Office, Brussels, May 3-4, 2006.

“What is Patent Quality?”, Co-author with Jonathan A. Barney, Paper Presented to the Colloquium on a Comprehensive Approach to Patent Quality, Federation Internationale Des Conseils En propriete Industrielle, Amsterdam, June 8-9, 2007.

“Fostering Innovation with Seed Money and Venture Capital”, Licensing Executives Society International Annual Conference, Zurich, June 19, 2007.

“Legal Problems Arising from Auctioning of IPR”, Bi-Annual International Forum, Association Internationale Pour La Protection De La Propriete Intellectuelle, October 6, 2007.

“IP Auctions”, Plenary Address, The Licensing Executives Society Annual Meeting, October 16, 2007, Vancouver, Canada.

“IP Valuation for IPO’s”, Warsaw Stock Exchange Executive Conference, June 27, 2008, Warsaw, Poland.

“IP As A Business Tool”, Licensing Executives Society International Conference, January 29-30, 2009, New Delhi, India.

“Global IP Market Development”, Keynote Address, The Licensing Executives Society Australia and New Zealand, April 2-4, 2009, Camberra, Australia.

“Global IP Market Development”, The Licensing Executives Society Philippines, June 8, 2009, Manila, Philippines.
Entwicklung einer Infrastruktur im Blickpunkt, Der Intellectual Property Exchange, *IP Manager: Journal for the Knowledge Economy*, 01/2009.

“Global IP Market View”, Division des Analyses Economiques et des Statistiques, Organization de Cooperation et de Developpement Economiques, January 8, 2010, Paris, France.

“Global IP Market View”, BusinessEurope Patents Working Group Meeting, The Confederation of European Business a.l.a.b.l., January 28, 2010, Brussels, Belgium.

“Global IP Market View”, Inaugural Annual Conference, LES Turkey, January 29, 2010, Istanbul, Turkey.

“Commercialization Strategies for Industrial Property Assets”, LES Brazil Annual Congress, January 28, 2011, Rio de Janeiro, Brazil.

“Developing Commercial IP Markets”, LES Arab Countries and Abu Dhabi Higher Colleges of Technology Seminar, October 12, 2011, Abu Dhabi, UAE.

“Asian IP Market Development”, LES Asia Pacific Meeting, LES Singapore, November 9-10, 2011, Singapore.

“Patent Auctions & Technology in an Emerging Global Economy”, LES Philippines, November 16, 2011, Manila.

“Tech Transfer for Humanitarian Purpose”, LESI Annual Conference, April 2, 2012, Auckland.

Moderator, “New Challenges in ICT: How to Compete Using IP Assets”, LES Pan European Meeting, Rome, June 12, 2012.

Workshop Panelist, “Accelerate Licensing & Avoid Litigation: Effective Use of Transparency, Investors & Risk Management Tools”, LES Pan European Meeting, Rome, June 12, 2012.

Keynote Speech, “Research Trends Around the Globe on Licensing”, LES Asia Pacific Regional Conference, Tokyo, Japan, September 3, 2012.

“Investing in IP and Developing IP Monetization and Risk Markets: U.S. Perspective”, LES Scandinavia Annual Meeting, Helsinki, Finland, September 12, 2012.

“El Mercado Global De Tecnologia”, LESI Innovation Tour, LES Mexico and Asociacion Mexicana de Directivos de la Investigation Aplicada y el Desarrollo Tecnologico, A.C., Mexico City, Mexico, September 21, 2012.

Research Handbook on Intellectual Property Licensing, Forward, Jacques de Werra, University of Geneva, Editor, Edward Elgar Publishing, 2012.

“Markets for Humanitarian Technology Transfer” and “Adoption by Resolution of LESI IP Business Principles”, LESI Global Technology Impact Forum, Geneva, Switzerland, January 22, 2013.

Forward, Research Handbook on Intellectual Property Licensing, Edited by Jacques de Werra, Edward Elgar Publishing Limited, 2013.

“IP Market Development” / “Simplicity in Global IP Valuation”, LESI Annual Conference, Rio de Janeiro, Brazil, April 10, 2013.

“Collaboration for IP Based Accounting and Reporting”, LESI Global Technology Impact Forum, Geneva, Switzerland, January 20-21, 2014.

“IP Licensing and Intermediaries”, LES Asia-Pacific Regional Conference, Seoul, Korea, November 4-6, 2014.

“Building IP Transaction Platforms”, Keynote Presentation, 14th Annual Shanghai International Intellectual Property Forum, Hosted by the World Intellectual Property Organization, (Shenzhen, China, December 7, 2017 as an advance local presentation) Shanghai, China, December 13, 2017.

“Building and Enforcing a Global Portfolio for Protection and Monetization”, Moderator, 2018 LES IP100 Executive Forum, Phoenix, Arizona, February 15-16, 2018.

“Valuation of IP In the Eye of the Beholder” and “IP Monetization Lifecycle”, Moderator, Inaugural IP Conference on Issues that Make a Difference, University of Arizona Law, Tucson, Arizona, March 5-6, 2018.

Best Practices and Useful Tools For Assessing the Value of IP, Co-authored with Mick Baciu and Drew Sills, American Intellectual Property Law Association 2018 Spring Meeting, Seattle, Washington, May 15-17, 2018.

“Toward Early Dispute Resolution of Standard Essential Patents in the 5G Era”, International Arbitration Center Tokyo, Mock Arbitration, Tokyo, Japan, June 29, 2018.

“Practical Blockchain”, LESI Annual Conference, Yokohama, Japan, May 28, 2019.

“Managing Your Intellectual Property”, LESI Business Briefing Report, published by the Licensing Executives Society International, Inc., Copyright 2020.

“Managing Your Intellectual Property”, Rigorous Empirical Research on Intellectual Property, virtual presentation by 4iP Council and the Licensing Executives Society International, September 29, 2020.

“A Global Economic Framework for Intellectual Based Commerce”, World IP Forum, India, April 30, 2021.

“Growth Financing”, European Patent Office High-Tech Business Forum, European Patent Academy, October 28, 2021.

European Patent Office / Licensing Executives Society International, HTB Forum on IPR for Growth Financing, March 17, 2025.

**TELEVISION, RADIO
AND EDITORIAL**

Bloomberg Morning Call with Brian Sullivan, “Patent Auctions”, March 3, 2006.

CNBC Closing Bell, “Patents for Purchase”, Interview with Maria Bartilomo, April 4, 2006.

CNBC On the Money, “Patents for Sale”, Interview and Report by Scott Wapner, April 7, 2006.

Bloomberg Morning Call with Brian Sullivan, “Ocean Tomo 300 Index” and “Fall Intellectual Property Auction”, September 13, 2006.

CBS WBBM-AM News Radio with Andy Giersher, Noon Business Hour, “New Stock Market Index”, December 2, 2006 plus repeats.

Bloomberg Evening *Market Pulse* with Pimm Fox, “Stock Selections with Strong Patents”, January 9, 2007.

Judge, *Everyday Edisons: Ordinary People, Extraordinary Ideas*, a Public Broadcasting System documentary series, 2nd Season, to be aired 2008.

Bloomberg Final Word with Brian Sullivan, “Changes in IP Laws Affect Stock Price”, March 10, 2008.

FOX Business National, “Investing in Patents”, June 5, 2008.

“It’s the auto technology, Congress”, *The Detroit News*, detnews.com, December 2, 2008.

FOX Business National, “Capturing Value from IP During a Recession”, January 12, 2009.

FOX Business National, “The Value of Technology and Patents in a Chrysler Bankruptcy”, May 1, 2009.

FOX Business National, “Exchange Looks to Value Patents”, October 5, 2009.

TV Tokyo, “IP Markets, October 4, 2010.

FOX Business National, “Patent Litigation Trends”, October 4, 2010.

CNBC Street Signs, “Patent-Palooza”, July 26, 2011.

CNBC Street Signs, “Patent Battleground”, August 15, 2011.

CNBC Street Signs, “IPXI: Trading Patents in 2012”, December 14, 2011.

CEO IntroNet, May 16, 2012.

CNBC Street Signs, “Research In Motion’s Patent Portfolio, May 30, 2012.

Crain’s Chicago Business, Chicago Business Video, “Preview of the Eureka Index”, April 25, 2013.

CNBC Street Signs, “Valuing Intangible Assets”, August 5, 2013.

Chicago Tribune Blue Sky Innovation, “Why Robots Roam the Halls...”, July 16, 2014.

CNBC Worldwide Exchange, “The Big Battle Over Intellectual Property: U.S. – China Trade Tariffs and IP”, March 26, 2018.

IP Fridays Podcast with Dr Rolf Claessen, "The Ocean Tomo Story", Jan 31 2025.

**EXPERT
TESTIMONY**

01 Communique Laboratory, Inc. v. Citrix Systems, Inc. & Citrix Online, LLC
Civil Action 1:06-CV-0253 (N.D. Ohio)
United States District Court for the Northern District of Ohio
Deposition Testimony

Abiomed Inc. v. Maquet Cardiovascular LLC
No. 1:16-cv-10914-FDS
United States District Court for the District of Massachusetts
Deposition Testimony

ABS Global, Inc. v. Inguran, LLC d/b/a Sexing Technologies and XY, LLC v. Genus, PLC
Civil Action: 14-cv503-wmc
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Acadia Research Group, LLC and Lifeport Sciences, LLC v. Boston Scientific Corporation
AAA File No. 02-15-0004-9460
American Arbitration Association
Hearing and Deposition Testimony

Acantha LLC v. DePuy Synthese Sales, Inc., DePuy Synthes Products, Inc., DePuy Synthes, Inc., Johnson & Johnson, Inc. Synthes, Inc. Synthes USA, LLC, DePuy Orthopaedics, Inc. and DePuy Spine, LLC
Case No. 1:15-cv-01257-WCG
United States District Court for the Eastern District of Wisconsin Green Bay Division
Trial and Deposition Testimony

Acorda Therapeutics, Inc. v. Alkermes PLC
Case No. 01-20-0010-8421
American Arbitration Association
Hearing and Deposition Testimony

Advanced Aerospace Technologies, Inc. v. The United States of America and The Boeing Company and Institu, Inc.
Case No. 12-85C
United States Court of Federal Claims
Deposition Testimony

Advanced Micro Devices, Inc. and ATI Technologies, ULC v. Samsung Electronics Co. Ltd. et al.
No. CV-08-0986-SI
United States District Court for the Northern District of California San Francisco Division
Deposition Testimony

Advanced Technology Materials, Inc. v. Praxair, Inc.,
Civil Action No.03 CV 5161 (RO)
United States District Court for the Southern District of New York
Deposition Testimony

A.I.T. Industries, Inc., f/k/a Photocentron, Inc. v. Yordan Vurich and Opti-Vue, Inc.
Civil Action No.94-C-5196
Deposition Testimony

Allan Stimmel v. Eugene Weiner, Kurt Gutfreund and M & L International, Inc.
Civil Action No. 89 C 6510 (ACW)
United States District Court for the Northern District of Illinois, Eastern Division
Deposition Testimony

Allscripts Healthcare, LLC v. DR / Decision Resources, LLC
Case No. 1:19-cv-11038
United States District Court for the District of Massachusetts

Trial and Deposition Testimony

Allele Biotechnology and Pharmaceuticals, Inc. v. Regeneron Pharmaceuticals, Inc.

Case No. 7:20-cv-08255-PMH

United States District Court for the Southern District of New York

Deposition Testimony

Altana Pharma AG and Wyeth v. Teva Pharmaceuticals USA, Inc. and Teva Pharmaceuticals Industries Ltd., et. al.

Civil Action No. 04-2355

United States District Court for the District of New Jersey

Deposition Testimony

Altria Client Services LLC and U.S. Smokeless Tobacco Company LLC v. R.J. Reynolds Vapor Company and Modoral Brands, Inc.

Civil Action No. 1:20-cv-00472

Trial and Deposition Testimony

Analog Devices, Inc. v. Christopher Michalski, Kiran Karnik and Maxim Integrated Products, Inc.

Case 01 CVS 10614

State of North Carolina Superior Court Division, County of Guilford

Deposition Testimony

Andrx Pharmaceuticals, LLC v. GlaxoSmithKline, PLC and SmithKline Beecham Corporation

Case No. 05-23264-CIV-Graham/O'Sullivan

United States District Court for the Southern District of Florida

Deposition Testimony

Appian Corporation v. Pegasystems Inc. and Youyong Zou

Case No 2020 07216

Virginia: In the Circuit Court of the Fairfax County

Trial and Deposition Testimony

Apple, Inc. v. Masimo Corporation and Sound United, LLC

Masimo Corporation v. Apple, Inc.

C.A. No. 22-1377-MN-JLH

United States District Court for the District of Delaware

Deposition Testimony

Appliance Computing III, Inc. Redfin Corporation

Case No. 6:20-cv-00376-ADA

United States District Court for the Western District of Texas

Trial and Deposition Testimony

Applied Medical Resources Corporation v. Gaya Limited

AAA Case No. 50 133T00316 06

Arbitration Testimony

Arendi S.A.R.L. v. Apple Inc.

Case No. 1:12-cv-01596

United States District Court for the District of Delaware

Deposition Testimony

Arthur Takeall v. PepsiCo, Inc.
Civil Action S92-766
United States District Court for the District of Maryland
Deposition Testimony

Ashley Furniture Industries v. Laura Ashley Holdings Plc and Laura Ashley, Inc.
AAA File No. 51 133 Y 01056 08
American Arbitration Association
Arbitration and Deposition Testimony

Atlantic Richfield Company, Chevron U.S.A., Inc., Exxon Corporation, Mobil Oil Corporation, Shell Oil Products Company and Texaco Refining & Marketing, Inc. v. Unocal Corporation and Union Oil Company of California and Union Oil Company of California v. Atlantic Richfield Company, Chevron U.S.A., Inc., Exxon Corporation, Mobil Oil Corporation, Shell Oil Products Company and Texaco Refining & Marketing, Inc.
Civil Action No. CV-95-2379 KMW(JRx)
Trial and Deposition Testimony

Avery Dennison Corp. et al v. FLEXcon Company, Inc.
Civil Action No. 96-C 4820
United States District Court for the Northern District of Illinois, Eastern Division
Deposition Testimony

Aylus Networks, Inc. vs. Apple, Inc.
Case No. 3:13-cv-4700
United States District Court for the Northern District of California
Deposition Testimony

Bath & Body Works Brand Management, Inc. v. Summit Entertainment, LLC
Case No. 11 Civ 1594 (GBD)
United States District Court for the Southern District of New York
Deposition Testimony

Baxalta Inc. and Baxalta, GmbH v. Genentech, Inc.
C.A. No. 17-cv-00509-TBD
United States District Court for the District of Delaware
Deposition Testimony

Baxter International Inc. and Baxter Healthcare Corp. v. CyDex Pharmaceuticals, Inc.
AAA Case No. 01-21-0002-6106
American Arbitration Association
Deposition Testimony

Bayer Pharma AG, Bayer Intellectual Property GMBH and Bayer Healthcare Pharmaceuticals, Inc. v. Watson Laboratories, Inc.
Civil Action No 12-517-GMS
United States District Court for the District of Delaware
Trial and Deposition Testimony

Beloit Corp v. Voith, Inc. & J.M. Voith GmbH
Civil Action No. 92 C 0168 C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Bio-Rad Laboratories, Inc. and the President and Fellows of Harvard College v. 10x Genomics, Inc.

Case No. 1:19-cv-12533

United States District Court for the District of Massachusetts

Deposition Testimony

Bio-Rad Laboratories, Inc., the University of Chicago, Lawrence Livermore National Security, LLC and Fellows of Harvard College v. Stilla Technologies, Inc and Stilla Technologies

Case No. 1:19-cv-11587

United States District Court for the District of Massachusetts

Deposition Testimony

Bio-Rad Laboratories, Inc. and the University of Chicago v. 10x Genomics, Inc.

Case No. 15-152-RGA

United States District Court for the District of Delaware

Trial and Deposition Testimony

BioNTech SE and Pfizer Inc., Petitioners v. Moderna TX, Inc., Patent Owner

Case IPR2023-01358 / Patent No. 10,702,600

Case IPR2023-01359 / Patent No. 10,933,127

United States Patent and Trademark Office Before the Patent Trial and Appeal Board (PTAB)

Deposition Testimony

Board of Trustees of the Leland Stanford Junior University and Litton Systems, Inc. v. Tyco International LTD., Tyco International, Inc., Tyco Telecommunications, Inc, Tyco Networks, Inc., Lucent Technologies, Inc., Agere Systems, Inc., JDS Uniphase Corporation, Ciena Corporation, Pirelli S.p.A., Ericsson, Inc., Telefonaktiebolaget Lm Ericsson and Ericsson Microelectronics Ab, Optoelectronic Products.

Case No. Cv-00-10584-TJH (RCx)

United States District Court for the Central District of California – Western California

Deposition Testimony

Bracco Diagnostics, Inc. v. Amersham Health Inc., Amersham Health AS, Amersham plc and Amersham Health Inc. v. Bracco Diagnostics, Inc.

Civil Action No. 03-6025

United States District Court for the District of New Jersey

Trial and Deposition Testimony

Brian D. Zdeb, et al v. Baxter International, Inc.

Civil Action No. 91-L-8726

Appellate Court of Illinois, First District, Sixth Division

Trial and Deposition Testimony

Briggs & Stratton Corporation v. Kohler Company

Case No. 05-C-0025-C

United States District Court for the Western District of Wisconsin

Deposition Testimony

Bristol-Myers Squibb Company v. Apotex Inc. and Apotex Corp.

Civil Action No. 3:10-cv-05810 (MLC)

United States District Court for District of New Jersey

Deposition Testimony

Brocade Communications Systems, Inc. and Foundry Networks, LLC v. A10 Networks, Inc. et al.

Case No. 10-cv-03428 LHK

United States District Court for the Northern District of California San Jose Division

Trial and Deposition Testimony

Callpod, Inc. v. GN Netcom, Inc. et al.

Case No. 06-CV-4961

United States District Court for the Northern District of Illinois Eastern Division

Deposition Testimony

CareDx, Inc. v. Natera, Inc.

Case No. 1:19-cv-00662-CFC-CJB

United States District Court for the District of Delaware

Trial and Deposition Testimony

CareFusion 303 v. Sigma International

Case No 10cv0442 DMS (WMC)

United States District Court for the Northern District of California

Trial and Deposition Testimony

Carter Bryant v. Mattel, Inc. and Consolidated Actions

United States District Court for the Central District of California Southern Division

Case No. CV 04-9049-DOC (RNBx)

Consolidated with Nos. CV 04-9059 and CV 05-2727

Trial and Deposition Testimony

Catalina Marketing Corp. v. Advanced Promotion Technologies, Inc.

Civil Action No. CV 93-4741 WJR (Sx)

Deposition Testimony

Caterpillar Inc. v. International Truck & Engine Corp., Siemens Diesel Systems Technology, LLC, Sturman Industries, Inc., Sturman Engine Systems, LLC,

Oded E. Sturman and Carol K. Sturman

United States District Court for the District of South Carolina, Columbia Division

Case No. 3:03-1739-17

Deposition Testimony

Catherine Alexander v. Take-Two Interactive Software, et al.

United States District Court for the Southern District of Illinois East St. Louis Division

Civil Action No. 3:18-cv-966-MJR-MAB

Trial Testimony

CEATS, Inc. v. Continental Airlines, Inc., AeroSvit Airlines, CJSC, Air China, Ltd., Air Europa Lineas Aereas, SAU, AirTran Airways, Inc., Alaska Airlines, Inc., Horizon Air Industries, Inc., All Nippon Airways Co., Ltd., Aerovias Del Continente Americano SA, Brendan Airways, LLC, Caribbean Airlines, Ltd., Delta Air Lines, Inc., EgyptAir Airlines, Co., Frontier Airlines, Inc., JetBlue Airways Corporation, Malaysia Airline System Berhad, Qatar Airways Company QCSC, Alia Royal Jordanian, PLC, TAM, SA, Thai Airways

International Public Co., Ltd., United Air Lines, Inc., US Airways, Inc., Virgin America, Inc.
Case No. 6:10-cv-120 LED
United States District Court for the Eastern District of Texas Tyler Division
Trial and Deposition Testimony

CEATS, Inc. v. Granada Theater, Live Nation Worldwide, Inc., Ticketmaster, LLC, Tickets.com, Inc., Ticket Software, LLC, Ticket Network, Inc., TicketsNow.com, Inc., TNow Entertainment Group, Inc., Concur Technologies, Inc.
Case No. 6:10-cv-120 LED
United States District Court for the Eastern District of Texas Tyler Division
Trial and Deposition Testimony

Centripetal Networks, Inc. v. Cisco Systems, Inc.
Case No. 2:18-CV-00094-HCM-LRL
United States District Court for the Eastern District of Virginia Norfolk Division
Trial and Deposition Testimony

Centripetal Networks, LLC v. Palo Alto Networks, Inc.
No. 2:21-cv-00137-EWH-RJK
United States District Court for the Eastern District of Virginia Norfolk Division
Trial and Deposition Testimony

Cheetah Omni, LLC v. Alcatel-Lucent USA Inc., et al. (on behalf of Tellabs North America, Inc.)
Case No. 6:11CV390
United States District Court for the Eastern District of Texas Tyler Division
Deposition Testimony

Ciba Specialty Chemicals Corporation v. Hercules Inc. and Cytec Industries, Inc.
Civil Action No. 04-293
United States District Court for the District of Delaware
Deposition Testimony

Cisco Systems, Inc. and Cisco Technology, Inc. v. Jedd Williams
In Arbitration before JAMS
Reference No. 1310025030
Deposition Testimony

Cisco Systems, Inc. and Cisco Technology, Inc. v. Plantronics, Inc., et al.
Case No. 4:19-CV-07562
United States District Court for the Northern District of California
Deposition Testimony

Comair Rotron, Inc. v. Matsushita Electric Corporation of America, et al. - New Jersey Action
Civil Action No. 85-4308 (HLS)
Trial and Deposition Testimony

Comet Technologies USA Inc. v. XP Power LLC
Case No. 5:20-CV-06408-NC
United States District Court for the Northern District of California
Trial and Deposition Testimony

Commonwealth Scientific and Industrial Research Organization v. Lenovo (United States) et al.

United States District Court for the Eastern District of Texas Tyler Division
Case No. 6:09-cv-00399-LED
Deposition Testimony

Commonwealth Scientific and Industrial Research Organization v. Cisco
Systems, Inc.
United States District Court for the Eastern District of Texas Tyler Division
Case No. 6:11-cv-00343-LED
Trial and Deposition Testimony

Commonwealth Scientific and Industrial Research Organization v. MediaTek
Inc., et al.
United States District Court for the Eastern District of Texas Tyler Division
Case No. 6:12-cv-578-LED
Deposition Testimony

Computer Generated Solutions, Inc. v. Peter Loral, Loral Incorporated, PJK, Inc.
and Belle Loral, LLC
Civil Action No. 97 Civ. 6298 (MBM)
Deposition Testimony

Confidential Parties
Case No. 01-21-4508
American Arbitration Association
Hearing Testimony

Construction Technology, Inc. v. Cybermation, Inc. et al.
Civil Action No. 91 Civ. 7474 (JSM)
United States District Court for the Southern District of New York
Trial and Deposition Testimony

ControlSoft, Inc, v The Dow Chemical Company
Case No. 1:22-cv-02004-DAP
United States District Court of Ohio Eastern Division
Deposition Testimony

Cordis Corporation v. SciMed Life Systems, Inc.
Case No. CV 4-96-261
United States Court for the District of Minnesota
Deposition Testimony

CoStar Realty Information, Inc. v. Civix-DDI, LLC and Civix-DDI, LLC v.
LoopNet, Inc.
Case No. 1:12-cv-04968 (consolidated with 07091 and 08632)
United States District Court for the Northeastern District of Illinois Eastern
Division
Deposition Testimony

C.R. Bard v. M3 Systems
Civil Action No. 93 C-4788
Trial Testimony

Crocs, Inc. v. Effervescent, Inc. et al.
Civil Action No. 06-cv-00605-PAB-KMT
United States District Court for the District of Colorado
Deposition Testimony

Cuker Interactive, LLC v. Pillsbury Winthrop Shaw Pittman LLP
AAA Case No. 01-18-0001-5005
American Arbitration Association
Arbitration Testimony

Curtis Amplatz and Carina Royalty, LLC v. AGA Medical Corporation
Court File No. 27-CV-10-27664
State of Minnesota District Court, County of Hennepin, Fourth Judicial District
Trial Testimony

DaiNippon Screen Mfg., Co. Ltd. *et al.* v. Scitex Corp. Ltd. *et al.*
Case No. C 96-3296 FMS
United States District Court for the Northern District of California
Arbitration and Deposition Testimony

Dalmatia Import Group, Inc. and Maia MaGee v. Foodmatch, Inc., Lancaster
Fine Foods, Inc. *et al.*
Case No. 2:16-cv-02767-EGS
United States District Court for the Eastern District of Pennsylvania
Trial and Deposition Testimony

Dana-Farber Cancer Institute, Inc. v. Bristol-Myers Squibb, Co., E.R. Squibb &
Sons, LLC and Ono Pharmaceutical Co. Ltd.
Civil Action No. 1:19-cv-11380
United States District Court for the District of Massachusetts
Deposition Testimony

Digital-Vending Services International, Inc. v. The University of Phoenix, Inc.
Civil Action No. 2:09-cv-00555
United States District Court for the Eastern District of Virginia
Deposition Testimony

Design Solange, Ltd., Inc. v. Lane Bryant, Inc.
Civil Action No. 94 CIV 1299 (JFK)
United States District Court for the Southern District of New York
Trial and Deposition Testimony

Donald R. Cameron, *et al.* v. Apple Inc.
Civil Action No. 4:19-cv-03074-YGR
United States District Court for the Northern District of California
Deposition Testimony

DTS, Inc. and DTS Licensing Ltd. v. Nero AG and Nero Inc.
Case No. 2:14-cv-09791-RGK-PJW
United States District Court for the Central District of California
Deposition Testimony

Durel Corporation v. Osram Sylvania, Inc.
Civil Action No. 95-1750 PHx (EHC)
United States District Court for the District of Arizona
Trial and Deposition Testimony

Dynetix Design Solutions, Inc. v. Synopsys, Inc. and Does 1-50
Case No. 5:11-cv-05973-PSG
United States District Court for the Northern District of California

Deposition Testimony

Dyson, Inc. v. Bissell Homecare, Inc.
Case No. 10-cv-08126
United States District Court for the Northern District of Illinois Eastern Division
Deposition Testimony

Earthlink, LLC v. Charter Communications Operating, LLC
Index No. 654332/2020
Supreme Court of the State of New York, County of New York Commercial
Division, Part 48
Deposition Testimony

Edward K. Isbey, Jr. v. Cooper Companies, Inc.
Civil Action No. 89-CVS-3776
Supreme Court of North Carolina
Deposition Testimony

Ellison v. The Chicago Heart Association
Civil Action No. 92-K-706
Deposition Testimony

Emblaze Ltd. v. Apple Inc.
Civil Action No. 45:11-cv-01079-SBA (PSG)
United States District Court for the Northern District of California San Jose
Division
Trial and Deposition Testimony

Energy Conversion Devices Liquidation Trust v. Ovonyx, Inc., Micron
Technology Inc. and Intel Corporation et al.
Case No. 12-43166-TJT
United States Bankruptcy Court, Eastern District of Michigan Southern Division
Deposition Testimony

Enterasys Networks, Inc. v. Extreme Networks, Inc.
Civil Action No. 07-C-0229-C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Epic Games, Inc. v. Apple Inc.
Civil Action No. 4:20-cv-05640-YGR
United States District Court for the Northern District of California Oakland
Division
Trial and Deposition Testimony

Errant Gene Therapeutics, LLC v. Sloan Kettering Institute for Cancer Research
and Bluebird Bio Inc.
Index No. 150586/2017
Supreme Court of the State of New York
Trial and Deposition Testimony

Escada Beaute, et al. v. The Limited Inc. et al.
Civil Action No. 92-CIV-7530 (LLS)
United States District Court for the Southern District of New York
Trial and Deposition Testimony

Esquel Enterprises, Ltd., v. TAL Apparel Limited and TALTECH Limited
Civil Action No. C04-974Z
United States District Court for the Western District of Washington at Seattle
Deposition Testimony

EVEMeta, LLC v. Siemens Convergence Creators Corporation, Synacore, Inc.
Case No. 23139/MK
Supreme Court of New York for the County of New York
Deposition Testimony

Express, LLC v. Fetish Group, Inc.
Civil Action No. CV05-2931 SWV (JTLx)
United States District Court for the Central District of California Western
Division
Deposition Testimony

Extreme Networks, Inc. v. Enterasys Networks, Inc.
Civil Action No. 07-C-0229-C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Facebook, Inc. & Subsidiaries v. Commission of Internal Revenue
Docket No. 21959-16
U.S. Tax Court
Trial Testimony

Fairchild Semiconductor Corporation and System General Corporation v. Power
Integrations, Inc.
Civil Action No. 12-00540
United States District Court for the District of Delaware
Trial and Deposition Testimony

Faye Fish Estate et al. v. Beech Aircraft et al.
Civil Action No. 631333
Deposition Testimony

Ferring Pharmaceuticals Inc., Rebiotix Inc., v. Finch Therapeutics Group, Inc. et
al.
Civil Action No. 21-01694-RGA
United States District Court for the District of Delaware
Trial and Deposition Testimony

FidoPharm, Inc. & Omnipharm, Ltd. v. Cheminova, Inc. A/S
AAA Case No. 50 503 T 00266 12
American Arbitration Association
Hearing Testimony

First Quality Tissue, LLC v. Irving Consumer Products Limited and Irving
Consumer Products, Inc.
Case No. 1:19-cv-00428
United States District Court for the District of Delaware
Deposition Testimony

Footstar, Inc. et al v. Kmart Corporation
Chapter 11 Case No. 04-22350 (ASH)
United States Bankruptcy Court for the Southern District of New York

Deposition Testimony

Fortis Advisors LLC, solely in its capacity as representative of former stockholders of Auris Health, Inc. v. Johnson & Johnson, et al.

C.A. No. 2020-0881-LWW

In the Court of Chancery of the State of Delaware

Trial and Deposition Testimony

Fortune Dynamic, Inc. v. Victoria's Secret Stores Brand Management, Inc.

Case No.: CV07-02-962

United States District Court for the Central District for the State of California

Deposition Testimony

Fractus, S.A. v. Samsung Electronics Co. Ltd.; et al (including LG Electronics, Inc. and related parties)

Civil Action No. 6:09cv203

United States District Court for the Eastern District of Texas Tyler Division

Deposition Testimony

Fraunhofer-Gesellschaft Zur Forderung der Angewandten Forschung E.V. v. Sirius XM Radio Inc.

Civil Action No. 1:17-cv-00184

United States District Court for the District of Delaware

Deposition Testimony

Fujitsu Ltd. v. Tellabs, Inc. et al.

Case No. 1:09-cv-04530

United States District Court for the Northern District of Illinois Eastern Division

Trial and Deposition Testimony

FXOne, LLC & Rosario Ingargiola v. Seabury Financial Solutions, et. al

JAMS New York, New York

Arbitration Hearing Testimony

General Mills, Inc. and General Mills IP Holdings II, LLC v. Fage Dairy Industry, S.A., Fage USA Dairy Industry, Inc. and Fage USA Holdings, Inc.

United States District Court for the Northern District of New York

Deposition Testimony

Georgia-Pacific Corp. v. United States Gypsum Co. and L&W Supply Co.

Civil Action No. 94-989-RRM

United States District Court for the District of Delaware

Trial Testimony

Gibson Guitar Corp. v. Heritage Guitar, Inc. and Lasar Music Corp.

Civil Action No. 3-90-0009

Deposition Testimony

Gilberto Arvelo v. American International Insurance

Civil Action No. 93-1287

United States District Court for the District of Puerto Rico

Deposition Testimony

The Gillette Company LLC v. Dollar Shave Club, Inc., Dorco Company Ltd., and Pace Shave, Inc.

Case No. 1:15-CV-01158 (LPS)

United States District Court for the District of Delaware
Deposition Testimony

Google LLC v. Anthony Levandowski and Lior Ron
JAMS Ref No. 1100086069
Hearing and Deposition Testimony

Google LLC v. Sonos, Inc.
United States District Court for Northern District of California
Civil Action No. 3:20-cv-06754
Trial and Deposition Testimony

Government Employees Insurance Company v. Google, Inc. and Overture
Services, Inc.
United States District Court, Eastern District of Virginia, Alexandria Division
Civil Action No: 1:04cv507
Deposition Testimony

Group One v. Hallmark
Civil Action No. 97-1224-CV-W-1
United States District Court for the Western District of Missouri, Western
Division
Deposition Testimony

GSI Technology, Inc. v. United Memories, Inc., Integrated Silicon Solution, Inc.
Case No. 13-CV-1081-PSG
United States District Court for the Northern District of California, San Jose
Division
Trial and Deposition Testimony

Guardant Health, Inc. v. Natera, Inc.
Case No. 3:21-CV-04062-EMC
United States District Court for the Northern District of California San
Francisco Division
Trial and Deposition Testimony

hiQ Labs, Inc. v. LinkedIn Corporation
Civil Action No. 3:17-cv-03301
United States District Court for the Northern District of California
Deposition Testimony

Hitachi, Ltd. v. Samsung Display Devices Co., Ltd. and Samsung Display
Devices Co., Inc. and Samsung Electronics Co., Ltd. and Samsung Electronics
America Inc. and Office Depot
Civil Action No. 97-1988-A
United States District Court for the Eastern District of Virginia
Deposition Testimony

Hoechst Celanese Corporation v. Chase Plastic Services and Kevin P. Chase
Civil Action No. 94-75361
United States District Court
Trial and Deposition Testimony

Hoechst Celanese Corporation v. Nylon Engineering Resins, Inc.
Civil Action No. 94-346-CIV-FTM-24D
United States District Court for the Middle District of Florida

Trial Testimony

Huawei Technologies Co. Ltd. v. Verizon Communications, Inc. et al.
Civil Action No. 2:20-cv-00030
United States District Court for the Eastern District of Texas Marshall Division
Trial and Deposition Testimony

ICON Health & Fitness, Inc. v. Peloton Interactive, Inc.
Case No. 1:20-cv-01386-RGA
United States District Court for the District of Delaware
Deposition Testimony

iHance, Inc. v. Eloqua Limited and Eloqua Corporation
Case No. 2:11-CV-257-MSD-TEM
United States District Court for the Eastern District of Virginia Norfolk Division
Deposition Testimony

Illumina, Inc. et. al v. Ariosa Diagnostics, Inc.
Case No 3:14-cv-01921-SI
United States District Court for the Northern District of California
Trial and Deposition Testimony

Immunocept, LLC, Patrice Anne Lee, and James Reese Matson v. Fullbright & Jaworski, LLP
Cause No. A 05 CA 334 SS
United States District Court of Texas, Austin Division
Deposition Testimony

Impact Engine, Inc. v. Google LLC
Case No. 3:19-cv-01301-CAB-DEB
United States District Court for the Southern District of California
Deposition Testimony

In Re Apple iPhone Antitrust Litigation
Civil Action No. 4:11-cv-06714-YGR
United States District Court for the Northern District of California
Deposition Testimony

In Re Gabapentin Patent Litigation
MDL Docket No. 1384 (FSH)
Master Civil Action No. 00-2931 (FSH)
On behalf of Defendants Teva Pharmaceutical Industries Ltd. and IVAX Corporation and related parties
United States District Court for the District of New Jersey
Deposition Testimony

In Re Nortel Networks Inc. et al. and
In the Matter of the Companies' Creditors Arrangement Act
Case No. 09-10138 (KG) and R.S.C. 1985, c. C-36
United States Bankruptcy Court for the District of Delaware and the Ontario Superior Court of Justice
Trial and Deposition Testimony

In the Matter of Arbitration Between Open Text, Inc., Claimant, and State Employee's Credit Union, Respondent
JAMS Arbitration No. 1400015026

Arbitration Testimony

In the Matter of Certain Botulinum Toxin Products, Processes for
Manufacturing or Relating to Same and Certain Products Containing Same
Investigation No. 337-TA-1145
On behalf of Allergan plc, Allergan, Inc. and Medytox Inc.
United States International Trade Commission
Hearing and Deposition Testimony

In the Matter of Certain Computer Network Security Equipment and Systems,
Related Software, Components Thereof, and Products Containing Same
Investigation No. 337-TA-1314
On behalf of Respondent Centripetal Networks, Inc.
United States International Trade Commission
Hearing and Deposition Testimony

In the Matter of Certain Electronic Devices with Graphics Data Processing
Systems, Components Thereof, and Associated Software
Investigation No. 337-TA-813
On behalf of Respondent Apple Inc.
United States International Trade Commission
Deposition Testimony

In the Matter of Certain High-Strength Aluminum or Aluminum Alloy-Coated
Steel, and Automotive Products and Automobiles Containing Same
Investigation No. 337-TA-813
On behalf of Complainant ArcelorMittal
United States International Trade Commission
Hearing and Deposition Testimony

In the Matter of Certain Medical Programmers with Printed Circuit Boards
Components
Investigation No. 337-TA-1396
On behalf of Respondent Axonics, Inc.
United States International Trade Commission
Deposition Testimony

In the Matter of Certain Pre-Filled Syringes for Intravitreal Injection and
Components Thereof
Investigation No. 337-TA-1207
United States International Trade Commission
Deposition Testimony

In the Matter of Certain Robotic Floor Cleaning Devices and Components
Thereof
Case No. 337-TA-1252
On behalf of the Respondents SharkNinja Operating LLC, SharkNinja
Management LLC, SharkNinja Management Company, SharkNinja Sales
Company, SharkNinja Hong Kong Co. Ltd., and EP Midco LLC
United States International Trade Commission
Hearing and Deposition Testimony

In the Matter of Certain Semiconductor Chips with Minimized Chip Package
Size and Products Containing Same (III)
Investigation No. 337-TA-630
On behalf of Respondents Acer, Nanya and Powerchip

United States International Trade Commission
Hearing and Deposition Testimony

In the Matter of Certain Short-Wavelength Light Emitting Diodes, Laser Diodes,
and Products Containing Same
Investigation No. 337-TA-640
On behalf of Respondent Panasonic
United States International Trade Commission
Deposition Testimony

In the Matter of Certain Wearable Activity Tracking Devices, Systems and
Components Thereof
Investigation No. 337-TA-973
On Behalf of Complainant Fitbit, Inc.
United States International Trade Commission
Deposition Testimony

In the Matter of Certain Wiper Blades
Investigation No. 337-TA-816
On behalf of Respondents
United States International Trade Commission
Hearing (written) and Deposition Testimony

Industrial Print Technologies, LLC v. O'Neil Data Systems, Inc. and Hewlett-
Packard Company et. al
Case No. 3:15-cv-01100-M, 01101-M, 01103-M, 01104-M and 01106-M
United States District Court for the Northern District of Texas Dallas Division
Deposition Testimony

InLine Connection, Corp v. AOL Time Warner, Inc. and American Online, Inc
Civil Action 02-272
United States District Court for the District of Delaware
Deposition Testimony

InLine Connection, Corp v. Earthlink, Inc.
Civil Action 02-477
United States District Court for the District of Delaware
Deposition Testimony

Innovention Toys, LLC v. MGA Entertainment, Inc., Wal-Mart Stores, Inc. and
Toys 'R Us, Inc.
Civil Action No. 07-6510
United States District Court for the Eastern District of Louisiana
Trial and Deposition Testimony

Intel Corporation v. Future Link Systems, LLC
Civil Action No. 14-377(LPS)
United States District Court for the District of Delaware
Deposition Testimony

InterDigital Technology Corporation v. Motorola, Inc.
Civil Action No. 94-73
United States District Court for the District of Delaware
Trial and Deposition Testimony

International Business Machines Corporation v. Groupon, Inc.

C.A. No. 16-122-LPS-CJB
United States District Court for the District of Delaware
Trial and Deposition Testimony

Invensas Corporation v. Renesas Electronics Corporation and Renesas
Electronics America, Inc.
Case No. 11-cv-00448-GMS
United States District Court for the District of Delaware
Deposition Testimony

Invention Capital Partners v. Phoenix Technologies Ltd., Marlin Equity
Partners, et. al
Case No: 113CV242491
Superior Court of the State of California County of Santa Clara
Deposition Testimony

Isogon Corporation v. Amdahl Corporation
Civil Action No. 97 CIV 6219 (SAS)
United States District Court for the Southern District of New York
Deposition Testimony

J.M. Voith GmbH v. Beloit Corp.
Civil Action No. 93C-0902C
United States District Court for the Western District of Wisconsin
Trial Testimony

J.M. Voith GmbH v. Beloit Corp.
Civil Action No. 93C-0905C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Jaguar Land Rover Limited v. Bentley Motors Limited and Bentley Motors, Inc.
Case No. 2:18-cv-320-MSD-LRL
United States District Court for the Eastern District of Virginia, Norfolk
Division
Deposition Testimony

Jamdat Mobile, Inc. v. JAMSTER International Sarl, Ltd; JAMBA! GMBH; and
Verisign, Inc.
Civil Action No. CV05-3945 PA (FMOx)
Deposition Testimony

James Hayden v. 2K Games, Inc. and Take-Two Interactive Software, Inc.
Civil Action No. 1:17-cv-02636-CAB
United States District Court for the Northern District of Ohio Eastern Division
Trial and Deposition Testimony

Jenner & Block LLP v. Parallel Networks, LLC and EpicRealm Licensing LP
JAMS Arbitration No. 1310019934
Arbitration and Deposition Testimony

John W. Evans, et al. v. General Motors Corporation
Docket # X06-CV-94-0156090S
Superior Court of Connecticut Judicial District of Waterbury
Deposition Testimony

Joy Recovery Technology Corp. v. The Penn Central Corp. and Carol Cable Company, Inc., aka General Cable Industries, Inc.
Civil Action No. 93 C 0992
Deposition Testimony

K-Tube Corp. v. Sterling Stainless Tube Corp. et al.
Case No. CV 90 1653 JLQ (M)
Trial and Deposition Testimony

Kay-Cee Enterprises, Inc. v. Amoco Oil Company
Civil Action No. 97-2406 (JWL)
United States District Court for the District of Kansas
Trial and Deposition Testimony

Kennecott Corporation v. Kyocera International
Civil Action No. 80-0516 R (M)
United States District Court for the Southern District of California
Deposition Testimony

Keurig, Inc. v. Kraft Foods Global, Inc., Tassimo Corp., and Kraft Foods Inc.
C.A. No. 07-17 (GMS)
United States District Court for the District of Delaware
Deposition Testimony

Kimberly-Clark Corporation v. Cardinal Health 200, LLC
Civil Action No. 1:10 CV-0034-CAP
United States District Court Northern District of Georgia, Atlanta Division
Deposition Testimony

Kinetic Concepts, Inc., KCI Licensing, Inc., KCI USA, Inc. and Wake Forest University Health Services v. Bluesky Medical Group, Inc., Richard Weston, Medela AG, Medela, Inc., and Patient Care Systems, Inc.
Civil Action SA-03-CA-0832-RG
United States District Court Western District of Texas San Antonio Division
Trial and Deposition Testimony

Kinetic Concepts, Inc., KCI Licensing, Inc., KCI USA, Inc. and Wake Forest University Health Services v. Bluesky Medical Group, Inc. and Smith & Nephew, Inc.
Case No. SA:08-CV-00102-WRF
United States District Court Western District of Texas San Antonio Division
Preliminary Injunction Hearing, Trial and Deposition Testimony

Kinetic Concepts, Inc., KCI Licensing, Inc., KCI USA, Inc., KCI Medical Resources, Medical Holdings Limited, KCI Manufacturing and Wake Forest University Health Sciences v. Convatec, Inc., Boehringer Wound Systems, LLC and Boehringer Technologies, LP
Civil Action No. 1:08-CV-00918-WO-LPA
United States District Court for the Middle District of North Carolina
Deposition Testimony

Kruse Technology Partnership v. Caterpillar, Inc.
Case No. CV 04-10435
United States District Court for the Central District of California
Deposition Testimony

Kuryakan Holdings LLC v. Ciro, LLC et al
Civ. No. 3:15-CV-00703
United States District Court for the Western District of Wisconsin
Deposition Testimony

Leo Pharma A/S v. Tolmar, Inc. et al.

C.A. No. 10-269 (SLR)
Deposition Testimony

Lincoln Electric Company, et al. v. National Standard, LLC
No. 1:09-cv-01886-DCN
United States District Court of Ohio Eastern Division
Deposition Testimony

LG Electronics Inc. v. Intellectual Ventures I, LLC et. al
C.A. No. N22C-11-145 SKR-CCLD
Superior Court of the State of Delaware
Trial Testimony

LNP Engineering Plastics, Inc. and Kawasaki Chemical Holding Co., Inc. v.
Miller Waste Mills, Inc. trading as RTP Company
Civil Action No. 96-462 (RRM)
United States District Court for the District of Delaware
Trial Testimony

Lotes Co. Ltd. v. Hon Hai Precision Industry Co. Ltd and Foxconn Electronics, Inc.
Civil Action No. 3:11-cv-01036-WHA
United States District Court for the Northern District of California San
Francisco Division
Deposition Testimony

Lucent Technologies Inc. v. Extreme Networks, Inc.
Civil Action No. 03-508 (JJF)
United States District Court for the District of Delaware
Trial and Deposition Testimony

Lunar Corp. & The UAB Research Foundation v. EG&G Astrophysics Research Corp.
Civil Action No. 96-C-199-S
Trial Testimony

Match Group, LLC v. Bumble Trading Inc. et al.
Civil Action 6:18-cv-00080
United States District Court for the Western District of Texas Waco Division
Deposition Testimony

Matsushita Electric Industrial Co., Ltd. v. MediaTek, Inc., Oppo Digital., and
Micro-Star International Computer Corp.
Case No. C05-03148 MMC
United States District Court for the Northern District of California San
Francisco Division
Deposition Testimony

McKinley v. Zdeb
Civil Action No. 99-S-1178
United States District Court for the District of Colorado

Fact Deposition Testimony

Medgraph, Inc. v. Medtronic, Inc.
Case No. 6:09-cv-06610-DGL-MWP
United States District Court for the Western District of New York
Rochester Division
Deposition Testimony

MedImpact Healthcare Systems, Inc. et al v. IQVIA, Inc. et al.
Case No. 3:19-cv-1865-GPC-DEB
United States District Court for the Southern District of California
Deposition Testimony

Medtronic Xomed, Inc. v. Gryus ENT LLC
Case No.: 3:04CV400-J-32 MCR
United States District Court for the Middle District of Florida
Jacksonville Division
Deposition Testimony

MEI, Inc. v. JCM American Corp & Japan Cash Machine Co. Ltd.
Civil Action No. 09-00351
United States District Court for the District of New Jersey
Deposition Testimony

Meribear Productions, Inc. v. Showroom Interiors, Inc. et. al.
Case No. VC065653
Superior Court of the State of California, County of Los Angeles
Deposition Testimony

Message Phone, Inc. v. SVI Systems, Inc. and Tharaldson Properties
Civil Action No. 379CV-1813H
Trial Testimony

Mexichem Amanco Holdings, S.A. de C.V. v. The Chemours Company and The
Chemours Company FC, LLC
Civil Action No. 4:20-cv-01960
Deposition Testimony

MGA Entertainment, Inc. and Isaac Larian v. Hartford Insurance Company of
the Midwest, Harford Fire Insurance Company, The Hartford Financial Services
Group and Does 1 through 10.
Case No. CV 08-0457 DOC (RNBx)
United States District Court for the Central District of California Southern
Division
Deposition Testimony

Military Professional Services, Inc. v. BancOhio National Bank
Civil Action No. 91-5032
Deposition Testimony

Milwaukee Electric Tool Corporation, Metco Battery Technologies, LLC AC
(Macao Commercial Offshore) Limited and Techtronic Industries Co. Ltd. v.
Snap-On Incorporated
Case No. 2:14-cv-01296
United States District Court for the Eastern District of Wisconsin
Trial and Deposition Testimony

Minebea Co., Ltd., Precision Motors Deutsche Minebea GmbH, and Nippon
Miniature Bearing Corp. v. George Papst, Papst Licensing GmbH, and Papst
Licensing Verwaltungsgesellschaft MIT Beschränkter Haftung
Civil Action No. 97-CV-590 (PLF)
Trial and Deposition Testimony

Mitek Surgical Products, Inc. v. Arthrex, Inc.
Case No. 1:96CV 0087S
United States District Court for the District of Utah, Central Division
Deposition Testimony

Mitsubishi Electric Corp., Koninklijke Philips N.V., Thomson Licensing, GE
Technology Development, Inc. Panasonic Corporation and Sony Corporation v.
Sceptre, Inc.
Case No. 2:14-cv-04994-ODW-AJW
United States District Court for the Central District of California
Deposition Testimony

Money Suite Company v. Insurance Answer Center, LLC; Answer Financial,
Inc.; AllState Insurance Company; Esurance Insurance Services, Inc.
United States District Court Central District of California Southern Division
Deposition Testimony

Motorola, Inc. v. InterDigital Technology Corporation
Civil Action No. 93-488
United States District Court for the District of Delaware
Trial and Deposition Testimony

Motorola Solutions, Inc. and Motorola Solutions Malaysia SDN, BHD v. Hytera
Communications Corporation Ltd., Hytera America, Inc. and Hytera
Communications America (West), Inc.
Civil Action No. 1:17-cv-1973
United States District Court for the Northern District of Illinois Eastern Division
Trial and Deposition Testimony

Motorola Solutions, Inc. v. Hytera Communications Corporation Ltd.
Civil Action No. 1:17-cv-1972
United States District Court for the Northern District of Illinois Eastern Division
Deposition Testimony

Motorsport Aftermarket Group, Inc. v. Thomas Ellsworth
AAA Case No. 01-15-0006-1319
American Arbitration Association
Hearing Testimony

Natera, Inc. v. ArcherDx, Inc., ArcherDx, LLC and Invitae Corp.
Civil Action No. 20-125-LPS
United States District Court for the District of Delaware
Trial and Deposition Testimony

Natera, Inc. v. Neogenomics Laboratories, Inc.
C.A. No. 1:23-cv-629
United States District Court for the Middle District of North Carolina
Deposition Testimony

Nellcor Puritan Bennett, LLC v. CAS Medical Systems, Inc.
Case No. 2:11-CV-15697
United States District Court for the Eastern District of Michigan Southern
Division
Deposition Testimony

Netlist, Inc. v. Diablo Technologies, Inc.
Civil Action No. 4:13-CV-05962-YGR
United States District Court for the Central District of California Oakland
Division
Trial Testimony

Nike, Inv. v. Lululemon USA, Inc.
Case No. 1:23-cv-00771-AS
United States District Court for the Southern District of New York
Trial and Deposition Testimony

Nomadix, Inc. v. Hewlett-Packard Company, et al.
Civil Action No. CV09-08441 DDP(VBKx)
United States District Court for the Central District of California Western
Division
Deposition Testimony

Nomix Corporation v. Quikrete Companies, Inc.
Civil Action No. H88-463-AHN
Trial and Deposition Testimony

Optical Air Data Systems, LLC v. L-3 Communications Corporation et al.
Civil Action No. N17C-05-619
Superior Court of the State of Delaware
Trial and Deposition Testimony

Option3 Cyber Investments, LLC and Option3 Ventures, LLC v. Centripetal
Networks, Inc.
Case No. 2021-15490
Circuit Court for the County of Fairfax
Deposition Testimony

Oracle America, Inc. v. Google, Inc.
Case No. 3:10-CV-03561-WHA
United States District Court for the Northern District of California San
Francisco Division
Deposition Testimony

Orthofix, Inc., et al v. EBI Medical Systems, Inc., et al.
Civil Action No. 95-6035 (SMO)
United States District Court for the District of New Jersey
Trial and Deposition Testimony

PACT XPP Schweiz AG et al. v. Intel Corporation
Civil Action No. 19-cv-01006-JDW
United States District Court for the District of Delaware
Deposition Testimony

Pharmacia & Upjohn Company, LLC v. Sicor Inc. and Sicor Pharmaceuticals, Inc.
Civil Action No. 04-833 (KAJ)

United States District Court for the District of Delaware
Deposition Testimony

Picker International, Inc. v. Mayo Foundation, et al.
Case No. 95-CV-2028
United States District Court for the Northern District of Ohio, Eastern Division
Trial and Deposition Testimony

Penda Corporation v. United States of America and Cadillac Products, Inc.
Case No. 473-89-C
United States Court of Federal Claims
Trial and Deposition Testimony

PepsiCo, Inc. v. Commissioner of Taxation and
Stokely-Van Camp, Inc. v. Commissioner of Taxation
VID53/2022, VID55/2022, VID57/2022, VID74/2022, VID82/2022
Federal Court of Australia
Hearing Testimony

Peter Daou and James Boyce v. Arianna Huffington, Kenneth Lerer and
TheHuffingtonPost.com, Inc.
Index No. 651997/2010
Supreme Court of the State of New York, County of New York
Deposition Testimony

PlastiPak Packaging, Inc. v. Premium Waters Inc.
Case No. 3:20-cv-00098
United States District Court for the Western District of Wisconsin
Deposition Testimony

Plexxikon Inc. v. Novartis Pharmaceuticals Corporation
Case No. 4:17-cv-04405-HSG
United States District Court for the Northern District of California Oakland
Division
Trial Deposition Testimony

Power Integrations, Inc. v. Fairchild Semiconductor International, Inc., Fairchild
Semiconductor Corporation and System General Corporation
Case No. 3:09-cv-05235-MMC
United States District Court for the Northern District of California
Trial and Deposition Testimony

Powertech Technology, Inc. v. Tessera, Inc.
Case No. CV10-00945EMC
United States District Court for the Northern District of California
Deposition Testimony

Praxair, Inc. and Praxair Technology, Inc. v. ATMI, Inc. and Advanced
Technology Materials, Inc.
Civil Action No. 03-1158-SLR
United States District Court District of Delaware
Deposition Testimony

Prism Technologies, LLC v. AT&T Mobility, LLC
Civil Action No. 8:12-cv-122-LES-TDT
United States District Court of Nebraska

Deposition Testimony

Prism Technologies, LLC v. T-Mobile USA, Inc.
Civil Action No. 8:12-cv-00124
United States District Court of Nebraska
Trial and Deposition Testimony

Prism Technologies, LLC v. Sprint Spectrum L.P. d/b/a/ Sprint PCS
Civil Action No. 8:12-cv-123-LES-TDT
United States District Court of Nebraska
Trial and Deposition Testimony

The Procter & Gamble Company v. Paragon Trade Brands, Inc.
Civil Action No. 94-16-LON
United States District Court for the District of Delaware
Trial and Deposition Testimony

Promptu Systems Corporation v. Comcast Corporation and Comcast Cable
Communications LLC
C.A. No. 2:16-cv-06516-JS
United States District Court for the Eastern District of Pennsylvania
Deposition Testimony

Purecircle USA Inc. and Purecircle SDN BHD v. Sweegen, Inc. and Phyto Tech
Corp.
Case No. 8:18-CV-1679 JVS (JDE)
United States District Court for Central District of California Southern Division
Deposition Testimony

QR Spex, Inc. and Thomas G. Swab v. Motorola, Inc. and Frog Design, Inc.
Civil Action No 03-6284 JFW (FMOx)
United States District Court for the Central District of California
Deposition Testimony

Qualcomm, Inc. v. InterDigital Communications Corporation
Case No. 93-1091G (LSP)
Deposition Testimony

Quickie, LLC v. Medtronic, Inc.
Civil Action No. 02 CV 1157 (GEL)
United States District Court for the Southern District of New York
Deposition Testimony

Radware, LTD, and Radware, Inc. v. F5 Networks, Inc.
Civil Action No. 5:13-cv-02024 RMW
United States District Court for the Southern District of California San Jose
Division
Trial and Deposition Testimony

Regeneron Pharmaceuticals, Inc. v. Celltrion, Inc.
Civil Action No. 1:23-cv-89-TSK
United States District Court for the Northern District of West Virginia,
Clarksburg Division
Deposition Testimony

Regeneron Pharmaceuticals, Inc. v. Novartis Pharma AG et. Al

Case IPR2021-00816
United States Patent and Trademark Office Before the Patent Trial and Appeal
Board
Deposition Testimony and Written Declaration

Remcor v. Scotsman/Booth
Civil Action No. 93 C 1822
United States District Court for the Northern District of Illinois, Eastern
Division
Deposition Testimony

Remcor v. Servend
Civil Action No. 93 C 1823
United States District Court for the Northern District of Illinois, Eastern
Division
Deposition Testimony

Rensselaer Polytechnic Institute and Dynamic Advances, LLC v. Apple Inc.
Case No 1:13-cv-00633 (DNH/DEP)
United States District Court for the Northern District of New York
Deposition Testimony

Research Corporation Technologies, Inc. v. Hewlett-Packard Company
Civil Action No. CIV 95-490-TUC-JMR
United States District Court for the District of Arizona
Deposition Testimony

Robert E. Morley, Jr. and REM Holdings 3, LLC v. Square, Inc., Jack Dorsey
and James McKelvey, Jr.
No. 4:14-cv-00172-CDP
United States District Court for the Eastern District of Missouri
Deposition Testimony

Roche Diabetes Care, Inc. v. Insulet Corporation
Case No. 1:20-cv-00825
United States District Court for the District of Delaware
Deposition Testimony

Rommy Hunt Revson v. The Limited, Inc. et al.
Civil Action No. 90-3840 (MGC)
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. Ameren Corporation; Union
Electric Company; Central Illinois Public Service Company; Cilcorp, Inc.;
Central Illinois Light Company
Case No. 07-4955 RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. AOL, LLC, CompuServe
Interactive Services and Netscape Communications Corporation
CV 07-2134 RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. Cablevision Systems Corporation
et. al.
Case No. 2:07-ML-01816 / 02314 RGK-FFM
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. Charter Communications, Inc.;
Charter Communications Holding Company, LLC; Charter Communications
Operating, LLC; and Charter Communications Entertainment I, LLC
CV 07-2134 RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. CIGNA Corporation, CIGNA
Health Corporation, CIGNA HealthCare of Delaware, Inc., Tel-Drug of
Pennsylvania, LLC and Tel-Drug, Inc.
CV 07-2192 RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. Comcast Corporation, Sirius-XM
Radio, Inc., et al.
NO. 2:07-ML-01816-C RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. DHL Holdings (USA) Inc., DHL
Express (USA), Inc., and Sky Courier, Inc.
Case No. 07-ml-01816-B RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. Fifth Third Bankcorp, Fifth Third
Bank, Fifth Third Bank (Central Ohio)
Case No. 07-4960 RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. Time Warner Cable Inc., Time
Warner NY Cable LLC and Time Warner Entertainment Company, L.P.
CV 07-2134 RGK (FFMx)
United States District Court for the Central District of California
Deposition Testimony

Ronald A. Katz Technology Licensing, LP v. United States Cellular
Corporation, TDS Telecommunications Corporation and TDS Metrocom, LLC
Case No.07-ML-01816-B-RGK (FFMX)
United States District Court for the Central District of California
Deposition Testimony

Rosetta Stone Ltd. v. Google Inc.
Civil Action No. 1:09 CV 736 GBL / JFA
United States District Court for the Eastern District of Virginia
Deposition Testimony

RWM Kinetic Enterprises, Inc. and Thomas J. Ring v. Kinetic Concepts, Inc.
and KCI Therapeutic Services, Inc.
Case No. SA-96-CA-603-OG
United States District Court for the Western District of Texas San Antonio
Division
Trial Testimony

Sanofi-Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. v. Genentech,
Inc. and City of Hope
Case No. 2:15-CV-05685
United States District Court for the Central District of California Western
Division
Deposition Testimony

Sanyo Electric Co., Ltd. v. Intel Corporation
Civil Action No. 2018-0723-MTZ
Court of Chancery of the State of Delaware
Deposition Testimony

Saxon Innovations, LLC v. Nokia Corp, et al. (including Samsung Electronics,
Co. and related parties)
Civil Action No. 6:07-cv-490-LED-JDL
United States District Court for the Eastern District of Texas Tyler Division
Deposition Testimony

SecurityPoint Holdings, Inc. v. The United States
Case No. 1:11-cv-00268-EGB
In the United States Federal Court of Claims
Deposition and Trial Testimony

Semiconductor Energy Laboratory Co., Ltd. v. Samsung Electronics Co., Ltd.,
S-LCD Corporation, Samsung Electronics America, Inc. Samsung
Telecommunications America, LLC
Civil Action No. 3:09-cv-00001
United States District Court for the Western District of Wisconsin
Deposition Testimony

Selex Galileo, Inc. v. Nomir Medical Technologies, Inc.
Case No. 01-17-0003-0930
American Arbitration Association
Hearing Testimony

Seven Networks, LLC v. Apple Inc.
Civil Action No. 2:19-cv-115-JRG
United States District Court for the Western District of Texas Marshall Division
Deposition Testimony

Shuffle Tech International, LLC and Aces Up Gaming, Inc. and Poydras-Talrick
Holdings, LLC v. Scientific Games Corporation and Bally Technologies, Inc.
(d/b/a SHFL Entertainment or Shuffle Master) and Bally Gaming, Inc.
Civil Action No. 1:15-cv-3702
United States District Court for the Northern District of Illinois Eastern Division
Trial and Deposition Testimony

Silicon Image, Inc. v. Analogix Semiconductor, Inc.
Case No. C 07-00635 JCS

United States District Court for the Northern District of California, San Francisco Division
Deposition Testimony

Site Microsurgical Systems v. The Cooper Companies
Civil Action S92-766
Deposition Testimony

Slot Speaker Technologies, Inc. v. Apple Inc.
Case No. 4:13-cv-01161-HSG
United States District Court Northern District of California Oakland Division
Deposition Testimony

SmartPhone Technologies, LLC v. Research In Motion Corp. et. al (on behalf LG Electronics, Inc. and LG Electronics USA, Inc.)
Civil Action No. 6:10cv74-LED
United States District Court Eastern District of Texas Tyler Division
Deposition Testimony

St. Clair Intellectual Property Consultants v. Fuji Photo Film Co., Ltd., Fuji Photo Film U.S.A., Inc., Fujifilm America, Inc., et al.
Civil Action No. 03-241 JJF
United States District Court for the District of Delaware
Trial and Deposition Testimony

Steven E. Berkheimer v. Hewlett-Packard Company
Case No. 1:12-cv-09023
United States District Court for the Northern District of Illinois Eastern Division
Deposition Testimony

STMicroelectronics, Inc. v. SanDisk Corp.
C.A. No. 4:05CV44
United States District Court of Texas Sherman Division
Deposition Testimony

STMicroelectronics, Inc. v. SanDisk Corp.
C.A. No. 4:05CV45
United States District Court of Texas Sherman Division
Deposition Testimony

Sunoco Partners Marketing & Terminals L.P. v. U.S. Venture, Inc., U.S. Oil, and Technics, Inc.
Civil Action No. 4:19-cv-01145
United States District Court for the Southern District of Texas Houston Division
Trial and Deposition Testimony

Sunoco Partners Marketing & Terminals L.P. v. U.S. Venture, Inc., U.S. Oil, and Technics, Inc.
Civil Action No. 1:15-CV-8178
United States District Court for the Northern District of Illinois Eastern Division
Deposition Testimony

Synopsys, Inc. v. Ubiquiti Networks, Inc. et al.
Civil Action No. 3:17-cv-00561-WHO
United States District Court for the Northern District of California
Deposition Testimony

Takata Corp. v. Allied Signal, Inc. and Breed Technologies, Inc.
Civil Action CV-95-1750
Deposition Testimony

Technol Medical Products, Inc., et al v. Robert Busse & Co., Inc.
Civil Action No. 3:94-CV-2284-X
Deposition Testimony

Tekmira Pharmaceuticals Corporation and Protiva Pharmaceuticals, Inc. v.
Alnylam Pharmaceuticals, Inc. and AlCana Technologies, Inc.
Civil Action No. 11-1010-BLS2
Massachusetts Superior Court for Suffolk County
Deposition Testimony

Tessera, Inc. v. Advanced Micro Devices, Inc. et al.
Case No. 4:05-cv-04063-CW
United States District Court for Northern District of California Oakland Division
Deposition Testimony

Tessera, Inc. v. UTAC (Taiwan) Corporation
Case No.: 5:10-cv-04435-EJD
United States District Court for Northern District of California San Jose
Division
Deposition Testimony

Therma-Tru Corporation v. Caradon Peachtree, Inc.
Civil Action No. 95-CV-75534-DT
Deposition Testimony

Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation, v.
ROSS Intelligence Inc.
Case No. 20-613-SB
United States District Court for the District of Delaware
Deposition Testimony

Toro Company v. MTD Products Inc., MTD Consumer Group Inc., and Cub
Cadet LLC
Civil Action No 10-cv-007-JNE-TNL
United States District Court for the District of Minnesota
Deposition Testimony

Trustees of the University of Pennsylvania v. Genentech, Inc.
Case No. 1:22-cv-00145-JLH
United States District Court for the District of Delaware
Deposition Testimony

Ultratec, Inc. and CapTel, Inc. v. Sorenson Communications, Inc. and
CaptionCall, LLC
Case No.: 3:14-cv-66-BBC
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Unicorn Energy AG v. Tesla, Inc.
Civil No. 5:21-cv-07476-BLF

United States District Court for the Northern District of California San Jose
Division
Deposition Testimony

Unwired Planet, LLC v. Apple, Inc.
Case No. 3:13-cv-4134-VC
United States District Court for the Northern District of California San
Francisco Division
Deposition Testimony

U.S.A. Dawgs, Inc. et al. v. Ronald Synder, et al.
Civil Action No. 16-cv-02004-PAB-KMT
United States District Court for the District of Colorado
Deposition Testimony

Valmet Paper Machinery, Inc. and Valmet-Charlotte, Inc. v. Beloit Corporation
Civil Action No. 93-C-587-C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Verinata Health, Inc. and the Board of Trustees of the Leland Stanford Junior
University v. Sequenom, Inc. and Sequenom Center for Molecular Medicine, LLC.
Case No. 3:12-cv-00865-SI
Deposition Testimony

Verinata Health, Inc. v. Ariosa Diagnostics, Inc.
Case No. 3:12-cv-055501-SI
United States District Court for the Northern District of California
Trial and Deposition Testimony

Viacom International Inc. v. MGA Entertainment, Inc.
Case No.: 2:15-cv-09621-R (Ex)
United States District Court for the Central District of California
Deposition Testimony

VimpelCom Ltd. v. Orascom TMT Investments S.a.r.l.
London Court of International Arbitration
Arbitration No: 153077
Hearing Testimony

Volterra Semiconductor Corporation v. Primarion, Inc., Infineon Technologies
AG and Infineon Technologies North America Corporation
Case No. C 08-05129 CRB
United States District Court for the Northern District of California San
Francisco Division
Deposition Testimony

Wang Laboratories, Inc. v. America Online, Inc. and Netscape Communications
Corporation
Civil Action No. 97-1628-A
United States District Court for the Eastern District of Virginia
Deposition Testimony

Wang Laboratories, Inc. v. FileNet Corporation
Civil Action No. 94-12141-RCL
Deposition Testimony

Waukesha Cherry-Burrell v. Wrightech Corporation
Civil Action No. 96-CV-00384
Deposition Testimony

Waymo LLC v. Uber Technologies, Inc., Ottomotto LLC and Otto Trucking LLC
Case No. 3:17-cv-00939-WHA
United States District Court for the Northern District of California San
Francisco Division
Deposition Testimony

Whirlpool Corporation v. Drinker Biddle & Reath LLP et. al.
Case No. 2015-L-007631
Circuit Court of Cook County, Illinois
Trial and Deposition Testimony

Wisk Aero LLC v. Archer Aviation Inc.
Civil Action No. 3:21-cv-02450-WHO
United States District Court for the Northern District of California
Deposition Testimony

Zenith Electronics LLC, Panasonic Corporation, U.S., Philips Corporation, and
the Trustees of Columbia University in the City of New York v. Sceptre, Inc.
Case No. 9:13-CV-80567
United States District Court for the Central District of California
Deposition Testimony

Zenith Electronics LLC v. Vizio, Inc.; Westinghouse Digital Electronics LLC, et al.
No. 5:06CV246-DF
United States District Court for the Eastern District of Texas
Texarkana Division
Deposition Testimony

ZiiLabs Inc., Ltd. v. Samsung Electronics Co. Ltd (and related Samsung parties)
and Apple Inc.
Case No. 2:14-cv-00203
United States District Court for the Eastern District of Texas Marshall Division
Deposition Testimony

PATENTS

Inventor, United States Patent No. 5,752,186, Access Free Wireless Telephony
Fulfillment Service System, May 12, 1998.

Inventor, United States Patent No. 5,867,780, Access Free Wireless Telephony
Fulfillment Service System, February 2, 1999.

Inventor, United States Patent No. 6,397,057, System and Method of Providing
Advertising Information to a Subscriber Through a Wireless Device, May 28,
2002.

Inventor, United States Patent No. 6,411,803, System and Method of Providing
Service Information to a Subscriber Through a Wireless Device, June 25, 2002.

Inventor, United States Patent No. 6,769,767, Eyewear with Exchangeable Temples Housing a Transceiver Forming Ad Hoc Networks with Other Devices, August 3, 2004.

Inventor, United States Patent No. 6,839,556, System and Method of Providing Information to a Subscriber through a Wireless Device, January 4, 2005.

Inventor, United States Patent No. 6,911,172, Method of Manufacturing Eyewear, June 28, 2005.

Inventor, United States Patent No. 6,929,365, Eyewear with Exchangeable Temples Housing Bluetooth Enable Apparatus, August 16, 2005.

Inventor, United States Patent No. 7,181,200, Method of Providing Information to a Telephony Subscriber, February 20, 2007.

Inventor, United States Patent No. 7,353,202, System and Method of Risk Minimization and Enhanced Returns In An Intellectual Capital Based Venture Investment, April 1, 2008.

Inventor, United States Patent No. 7,769,685, System and Method of Risk Minimization and Enhanced Returns In An Intellectual Capital Based Venture Investment, August 3, 2010.

Inventor, United States Patent No. 7,813,716, Method of Providing Information to a Telephony Subscriber, October 12, 2010.

Inventor, United States Patent No. 7,885,897, Intellectual Property Trading Exchange and a Method for Trading Intellectual Property Rights, February 8, 2011.

Inventor, United States Patent No. 7,930,231, System and Method of Risk Minimization and Enhanced Returns In An Intellectual Capital Based Venture Investment, April 19, 2011.

Inventor, United States Patent No. 7,987,142, Intellectual Property Trading Exchange, July 26, 2011.

Inventor, United States Patent No. 8,041,341, System of Providing Information to a Telephony Subscriber, October 18, 2011.

Inventor, United States Patent No. 8,180,711, Intellectual Property Trading Exchange, May 15, 2012.

Inventor, United States Patent No. 8,255,932, System and Method for Managing Intellectual Property-Based Risks, January 15, 2013.

Inventor, United States Patent No. 8,515,851, Method and System for Generating an Index of Securities, August 20, 2013.

Inventor, United States Patent No. 8,554,687, Intellectual Property Trading Exchange and a Method for Trading Intellectual Property Rights, October 8, 2013.

Inventor, United States Patent No. 8,694,419, Methods and Systems for Utilizing Intellectual Property Assets and Rights, April 8, 2014.

Inventor, United States Patent No. 8,787,878, System of Providing Information to a Telephony Subscriber, July 22, 2014.

Inventor, United States Patent No. 8,831,985, Financial Instrument Based on Content and Methods for Valuation, September 9, 2014.

Inventor, United States Patent No. 8,880,031, System of Providing Information to a Telephony Subscriber, November 4, 2014.

Inventor, United States Patent No. 9,058,628, Marketplace for Trading Intangible Asset Derivatives and a Method for Trading Intangible Asset Derivatives, June 16, 2015.

Inventor, United States Patent No. 9,244,292, Eyewear with Exchangeable Temples Housing A Radio Frequency, January 26, 2016.

CONTACT

James E. Malackowski, CPA, CLP
Co-founder and Senior Managing Director
Ocean Tomo, LLC, a part of J.S. Held
North Miami Beach, Florida

312-327-4410 Direct
james.malackowski@jsheld.com

Appendix 2

*Bartz, et. al v. Anthropic, PBC***DOCUMENTS CONSIDERED**

Appendix 2

Beginning Bates	Ending Bates	Beginning Bates	Ending Bates	Beginning Bates	Ending Bates
ANT_BARTZ_000000367	ANT_BARTZ_000000380	ANT_BARTZ_000005471	ANT_BARTZ_000005475	ANT_BARTZ_000035731	ANT_BARTZ_000035736
ANT_BARTZ_000000381	ANT_BARTZ_000000422	ANT_BARTZ_000005492	ANT_BARTZ_000005492	ANT_BARTZ_000099646	ANT_BARTZ_000099646
ANT_BARTZ_000000544	ANT_BARTZ_000000577	ANT_BARTZ_000006190	ANT_BARTZ_000006195	ANT_BARTZ_000099995	ANT_BARTZ_000100002
ANT_BARTZ_000001795	ANT_BARTZ_000001866	ANT_BARTZ_000006209	ANT_BARTZ_000006211	ANT_BARTZ_000141805	ANT_BARTZ_000141820
ANT_BARTZ_000002385	ANT_BARTZ_000002390	ANT_BARTZ_000006212	ANT_BARTZ_000006212	ANT_BARTZ_000142801	ANT_BARTZ_000142830
ANT_BARTZ_000002487	ANT_BARTZ_000002492	ANT_BARTZ_000006240	ANT_BARTZ_000006244	ANT_BARTZ_000143752	ANT_BARTZ_000143760
ANT_BARTZ_000002595	ANT_BARTZ_000002596	ANT_BARTZ_000006344	ANT_BARTZ_000006348	ANT_BARTZ_000145690	ANT_BARTZ_000145716
ANT_BARTZ_000002604	ANT_BARTZ_000002604	ANT_BARTZ_000006363	ANT_BARTZ_000006390	ANT_BARTZ_000145717	ANT_BARTZ_000145721
ANT_BARTZ_000002865	ANT_BARTZ_000002912	ANT_BARTZ_000006398	ANT_BARTZ_000006442	ANT_BARTZ_000146048	ANT_BARTZ_000146048
ANT_BARTZ_000003355	ANT_BARTZ_000003356	ANT_BARTZ_000006498	ANT_BARTZ_000006499	ANT_BARTZ_000146792	ANT_BARTZ_000146798
ANT_BARTZ_000003386	ANT_BARTZ_000003414	ANT_BARTZ_000006503	ANT_BARTZ_000006522	ANT_BARTZ_000148258	ANT_BARTZ_000148348
ANT_BARTZ_000003433	ANT_BARTZ_000003436	ANT_BARTZ_000006674	ANT_BARTZ_000006686	ANT_BARTZ_000149087	ANT_BARTZ_000149107
ANT_BARTZ_000003439	ANT_BARTZ_000003440	ANT_BARTZ_000006732	ANT_BARTZ_000006759	ANT_BARTZ_000150168	ANT_BARTZ_000150170
ANT_BARTZ_000003487	ANT_BARTZ_000003489	ANT_BARTZ_000006909	ANT_BARTZ_000006909	ANT_BARTZ_000150197	ANT_BARTZ_000150207
ANT_BARTZ_000003492	ANT_BARTZ_000003493	ANT_BARTZ_000006925	ANT_BARTZ_000006929	ANT_BARTZ_000150876	ANT_BARTZ_000150876
ANT_BARTZ_000003637	ANT_BARTZ_000003639	ANT_BARTZ_000006977	ANT_BARTZ_000007004	ANT_BARTZ_000152059	ANT_BARTZ_000152059
ANT_BARTZ_000003801	ANT_BARTZ_000003827	ANT_BARTZ_000026993	ANT_BARTZ_000027010	ANT_BARTZ_000152062	ANT_BARTZ_000152063
ANT_BARTZ_000003914	ANT_BARTZ_000003915	ANT_BARTZ_000027094	ANT_BARTZ_000027097	ANT_BARTZ_000152694	ANT_BARTZ_000152790
ANT_BARTZ_000003916	ANT_BARTZ_000003917	ANT_BARTZ_000027304	ANT_BARTZ_000027304	ANT_BARTZ_000152894	ANT_BARTZ_000152984
ANT_BARTZ_000003918	ANT_BARTZ_000003919	ANT_BARTZ_000027458	ANT_BARTZ_000027473	ANT_BARTZ_000155723	ANT_BARTZ_000155725
ANT_BARTZ_000003920	ANT_BARTZ_000003921	ANT_BARTZ_000027742	ANT_BARTZ_000027786	ANT_BARTZ_000156803	ANT_BARTZ_000156820
ANT_BARTZ_000003923	ANT_BARTZ_000003928	ANT_BARTZ_000027787	ANT_BARTZ_000027826	ANT_BARTZ_000160959	ANT_BARTZ_000161049
ANT_BARTZ_000004029	ANT_BARTZ_000004030	ANT_BARTZ_000027937	ANT_BARTZ_000027938	ANT_BARTZ_000168435	ANT_BARTZ_000168443
ANT_BARTZ_000004031	ANT_BARTZ_000004037	ANT_BARTZ_000027966	ANT_BARTZ_000027972	ANT_BARTZ_000170300	ANT_BARTZ_000170300
ANT_BARTZ_000004269	ANT_BARTZ_000004271	ANT_BARTZ_000027985	ANT_BARTZ_000028012	ANT_BARTZ_000170301	ANT_BARTZ_000170301
ANT_BARTZ_000004317	ANT_BARTZ_000004322	ANT_BARTZ_000028264	ANT_BARTZ_000028267	ANT_BARTZ_000171883	ANT_BARTZ_000171894
ANT_BARTZ_000004328	ANT_BARTZ_000004330	ANT_BARTZ_000029020	ANT_BARTZ_000029021	ANT_BARTZ_000172483	ANT_BARTZ_000172579
ANT_BARTZ_000004363	ANT_BARTZ_000004363	ANT_BARTZ_000029028	ANT_BARTZ_000029029	ANT_BARTZ_000177598	ANT_BARTZ_000177604
ANT_BARTZ_000004461	ANT_BARTZ_000004534	ANT_BARTZ_000029540	ANT_BARTZ_000029560	ANT_BARTZ_000178501	ANT_BARTZ_000178510
ANT_BARTZ_000004540	ANT_BARTZ_000004540	ANT_BARTZ_000029569	ANT_BARTZ_000029569	ANT_BARTZ_000180400	ANT_BARTZ_000180402
ANT_BARTZ_000004543	ANT_BARTZ_000004551	ANT_BARTZ_000029956	ANT_BARTZ_000029956	ANT_BARTZ_000180570	ANT_BARTZ_000180570
ANT_BARTZ_000004558	ANT_BARTZ_000004563	ANT_BARTZ_000029963	ANT_BARTZ_000029981	ANT_BARTZ_000181416	ANT_BARTZ_000181420
ANT_BARTZ_000004570	ANT_BARTZ_000004585	ANT_BARTZ_000030538	ANT_BARTZ_000030558	ANT_BARTZ_000188032	ANT_BARTZ_000188034
ANT_BARTZ_000004587	ANT_BARTZ_000004588	ANT_BARTZ_000030756	ANT_BARTZ_000030800	ANT_BARTZ_000189975	ANT_BARTZ_000189975
ANT_BARTZ_000004741	ANT_BARTZ_000004744	ANT_BARTZ_000032075	ANT_BARTZ_000032085	ANT_BARTZ_000193263	ANT_BARTZ_000193263
ANT_BARTZ_000004915	ANT_BARTZ_000004920	ANT_BARTZ_000032168	ANT_BARTZ_000032170	ANT_BARTZ_000201183	ANT_BARTZ_000201194
ANT_BARTZ_000004921	ANT_BARTZ_000004922	ANT_BARTZ_000032171	ANT_BARTZ_000032173	ANT_BARTZ_000206669	ANT_BARTZ_000206686
ANT_BARTZ_000005164	ANT_BARTZ_000005186	ANT_BARTZ_000032229	ANT_BARTZ_000032234	ANT_BARTZ_000209219	ANT_BARTZ_000209235
ANT_BARTZ_000005190	ANT_BARTZ_000005194	ANT_BARTZ_000032786	ANT_BARTZ_000032788	ANT_BARTZ_000210352	ANT_BARTZ_000210353
ANT_BARTZ_000005203	ANT_BARTZ_000005222	ANT_BARTZ_000034999	ANT_BARTZ_000035000	ANT_BARTZ_000210402	ANT_BARTZ_000210403
ANT_BARTZ_000005230	ANT_BARTZ_000005234	ANT_BARTZ_000035702	ANT_BARTZ_000035702	ANT_BARTZ_000210576	ANT_BARTZ_000210588

*Bartz, et. al v. Anthropic, PBC***DOCUMENTS CONSIDERED**

Appendix 2

Beginning Bates	Ending Bates	Beginning Bates	Ending Bates	Beginning Bates	Ending Bates
ANT_BARTZ_000211313	ANT_BARTZ_000211323	BARTZ000000242	BARTZ000000242	HC004_ANT0000088	HC004_ANT0000089
ANT_BARTZ_000215135	ANT_BARTZ_000215148	BARTZ000000243	BARTZ000000254	HC004_ANT0000090	HC004_ANT0000099
ANT_BARTZ_000215479	ANT_BARTZ_000215489	BARTZ000000255	BARTZ000000255	HC004_ANT0000104	HC004_ANT0000106
ANT_BARTZ_000215577	ANT_BARTZ_000215579	BARTZ000000256	BARTZ000000257	HC004_ANT0000107	HC004_ANT0000117
ANT_BARTZ_000227176	ANT_BARTZ_000227178	BARTZ000000258	BARTZ000000259	HC004_ANT0000119	HC004_ANT0000128
ANT_BARTZ_000228301	ANT_BARTZ_000228302	BARTZ000000260	BARTZ000000261	HC004_ANT0000132	HC004_ANT0000276
ANT_BARTZ_000239422	ANT_BARTZ_000239424	BARTZ000000262	BARTZ000000263	HC004_ANT0000279	HC004_ANT0000423
ANT_BARTZ_000239436	ANT_BARTZ_000239436	BARTZ000000264	BARTZ000000265	HC004_ANT0000460	HC004_ANT0000469
ANT_BARTZ_000263854	ANT_BARTZ_000263854	BARTZ000000266	BARTZ000000267	HC004_ANT0000491	HC004_ANT0000492
ANT_BARTZ_000264375	ANT_BARTZ_000264398	BARTZ000000270	BARTZ000000271	HC004_ANT0000494	HC004_ANT0000495
ANT_BARTZ_000279410	ANT_BARTZ_000279410	BARTZ000000272	BARTZ000000273	HC004_ANT0000497	HC004_ANT0000506
ANT_BARTZ_000323116	ANT_BARTZ_000323160	BARTZ000000274	BARTZ000000277	HC004_ANT0000509	HC004_ANT0000518
ANT_BARTZ_000324001	ANT_BARTZ_000324009	BARTZ000000278	BARTZ000000278	HC004_ANT0000523	HC004_ANT0000532
ANT_BARTZ_000325288	ANT_BARTZ_000325293	BARTZ000000599	BARTZ000000604	HC004_ANT0000536	HC004_ANT0000546
ANT_BARTZ_000331903	ANT_BARTZ_000331903	BARTZ000000957	BARTZ000000957	HC004_ANT0000550	HC004_ANT0000552
ANT_BARTZ_000334235	ANT_BARTZ_000334243	BARTZ000000958	BARTZ000000958	HC004_ANT0000562	HC004_ANT0000572
ANT_BARTZ_000335149	ANT_BARTZ_000335153	BARTZ000000960	BARTZ000000960	HC004_ANT0000574	HC004_ANT0000583
ANT_BARTZ_000336205	ANT_BARTZ_000336249	BARTZ000000961	BARTZ000000964	HC004_ANT0000596	HC004_ANT0000606
ANT_BARTZ_000336962	ANT_BARTZ_000336964	BARTZ000001288	BARTZ000001291	HC004_ANT0000614	HC004_ANT0000624
ANT_BARTZ_000337221	ANT_BARTZ_000337229	BARTZ000001996	BARTZ000002010	HC004_ANT0000625	HC004_ANT0000634
ANT_BARTZ_000337363	ANT_BARTZ_000337367	BARTZ000002011	BARTZ000002330	HC004_ANT0000644	HC004_ANT0000788
ANT_BARTZ_000340036	ANT_BARTZ_000340038	BARTZ000002331	BARTZ000002333	HC004_ANT0000802	HC004_ANT0000946
ANT_BARTZ_000340761	ANT_BARTZ_000340790	BARTZ000002334	BARTZ000002334	HC004_ANT0000949	HC004_ANT0001093
ANT_BARTZ_000351444	ANT_BARTZ_000351444	BARTZ000002339	BARTZ000002342	HC004_ANT0001106	HC004_ANT0001253
ANT_BARTZ_000383520	ANT_BARTZ_000383567	BARTZ000003382	BARTZ000003385	HC004_ANT0001278	HC004_ANT0001287
ANT_BARTZ_000385041	ANT_BARTZ_000385073	BARTZ000003387	BARTZ000003394	HC004_ANT0001314	HC004_ANT0001314
ANT_BARTZ_000415651	ANT_BARTZ_000415651	BARTZ000003412	BARTZ000003415	HC004_ANT0001417	HC004_ANT0001426
ANT_BARTZ_000435165	ANT_BARTZ_000435165	BARTZ000003427	BARTZ000003454	HC004_ANT0001471	HC004_ANT0001472
ANT_BARTZ_000436689	ANT_BARTZ_000436694	BARTZ000003577	BARTZ000003579	HC004_ANT0001511	HC004_ANT0001521
ANT_BARTZ_000437087	ANT_BARTZ_000437091	BARTZ000003763	BARTZ000003764	HC004_ANT0001559	HC004_ANT0001703
ANT_BARTZ_000526060	ANT_BARTZ_000526060	BARTZ000003878	BARTZ000003878	HC004_ANT0001742	HC004_ANT0001751
ANT_BARTZ_000529806	ANT_BARTZ_000529806	BARTZ000003879	BARTZ000003903	HC004_ANT0001931	HC004_ANT0001940
ANT_BARTZ_000532717	ANT_BARTZ_000532718	BARTZ000003925	BARTZ000003926	HC004_ANT0002037	HC004_ANT0002039
BARTZ000000001	BARTZ000000001	BARTZ000003927	BARTZ000003939	HC004_ANT0002040	HC004_ANT0002040
BARTZ000000006	BARTZ000000022	BARTZ000004621	BARTZ000004672	HC004_ANT0002086	HC004_ANT0002230
BARTZ000000088	BARTZ000000093	BARTZ000004686	BARTZ000004686	HC004_ANT0002247	HC004_ANT0002248
BARTZ000000109	BARTZ000000114	BARTZ000004687	BARTZ000004689	HC004_ANT0002310	HC004_ANT0002318
BARTZ000000149	BARTZ000000150	HC004_ANT0000022	HC004_ANT0000022	HC004_ANT0002475	HC004_ANT0002476
BARTZ000000187	BARTZ000000206	HC004_ANT0000023	HC004_ANT0000032	HC004_ANT0002499	HC004_ANT0002515
BARTZ000000207	BARTZ000000224	HC004_ANT0000034	HC004_ANT0000043	HC004_ANT0002542	HC004_ANT0002554
BARTZ000000225	BARTZ000000241	HC004_ANT0000067	HC004_ANT0000067	HC004_ANT0002661	HC004_ANT0002662

*Bartz, et. al v. Anthropic, PBC***DOCUMENTS CONSIDERED**

Appendix 2

Beginning Bates	Ending Bates	Beginning Bates	Ending Bates	Beginning Bates	Ending Bates
HC004_ANT0002697	HC004_ANT0002698	HC004_ANT0003829	HC004_ANT0003838		
HC004_ANT0002942	HC004_ANT0002944	HC004_ANT0003839	HC004_ANT0003839		
HC004_ANT0002966	HC004_ANT0002967	HC004_ANT0003840	HC004_ANT0003841		
HC004_ANT0002975	HC004_ANT0002979	HC004_ANT0003996	HC004_ANT0004005		
HC004_ANT0003052	HC004_ANT0003056	HC004_ANT0004077	HC004_ANT0004093		
HC004_ANT0003151	HC004_ANT0003156	S&S_Anthropic 00001	S&S_Anthropic 00002		
HC004_ANT0003216	HC004_ANT0003218	S&S_Anthropic 00016	S&S_Anthropic 00018		
HC004_ANT0003242	HC004_ANT0003260	S&S_Anthropic 00022	S&S_Anthropic 00026		
HC004_ANT0003261	HC004_ANT0003261	S&S_Anthropic 00040	S&S_Anthropic 00045		
HC004_ANT0003279	HC004_ANT0003280	S&S_Anthropic 00081	S&S_Anthropic 00082		
HC004_ANT0003315	HC004_ANT0003316				
HC004_ANT0003343	HC004_ANT0003343				
HC004_ANT0003401	HC004_ANT0003401				
HC004_ANT0003404	HC004_ANT0003405				
HC004_ANT0003417	HC004_ANT0003418				
HC004_ANT0003422	HC004_ANT0003424				
HC004_ANT0003427	HC004_ANT0003430				
HC004_ANT0003463	HC004_ANT0003464				
HC004_ANT0003495	HC004_ANT0003496				
HC004_ANT0003500	HC004_ANT0003501				
HC004_ANT0003524	HC004_ANT0003524				
HC004_ANT0003533	HC004_ANT0003535				
HC004_ANT0003560	HC004_ANT0003562				
HC004_ANT0003565	HC004_ANT0003567				
HC004_ANT0003601	HC004_ANT0003601				
HC004_ANT0003604	HC004_ANT0003604				
HC004_ANT0003623	HC004_ANT0003624				
HC004_ANT0003628	HC004_ANT0003629				
HC004_ANT0003635	HC004_ANT0003635				
HC004_ANT0003636	HC004_ANT0003638				
HC004_ANT0003639	HC004_ANT0003641				
HC004_ANT0003642	HC004_ANT0003644				
HC004_ANT0003689	HC004_ANT0003691				
HC004_ANT0003728	HC004_ANT0003731				
HC004_ANT0003736	HC004_ANT0003738				
HC004_ANT0003752	HC004_ANT0003760				
HC004_ANT0003782	HC004_ANT0003791				
HC004_ANT0003793	HC004_ANT0003793				
HC004_ANT0003795	HC004_ANT0003796				
HC004_ANT0003803	HC004_ANT0003812				
HC004_ANT0003816	HC004_ANT0003825				

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Legal Filings

Plaintiffs' Notice of Motion and Motion for Partial Summary Judgment, March 10, 2025.

Defendant Anthropic PBC's Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities in Support and Exhibits, March 27, 2025.

Declaration of Jared Kaplan in Support of Defendant Anthropic PBC's Motion for Summary Judgment, March 27, 2025.

Declaration of Steven R. Peterson in Support of Defendant Anthropic PBC's Administrative Motion for Summary Judgment, March 27, 2025.

Declaration of Tom Turvey in Support of Defendant Anthropic PBC's Administrative Motion for Summary Judgment, March 27, 2025.

Expert Declaration of Ben Y. Zhao, PhD. in Support of Plaintiffs' Opposition to Anthropic's Motion for Summary Judgment, April 24, 2025.

First Amended Class Action Complaint, December 4, 2024

Legal Filings Other Cases

Testimony of Thomas Turvey, United States of America v. Apple, Inc., et al., 1:12-cv-02826-DLC-MHD, June 6, 2013.

Tremblay & Awad v. OpenAI, et al., Case No. 3:23-cv-03223-AMO, June 28, 2023.

Plaintiffs' Notice of Motion and Motion for Partial Summary Judgment, Richard Kadrey, et al., v. Meta Platforms., 3:23-cv-03417-VC, March 10, 2025.

Association of American Publishers, Amicus Curiae Brief in Support of Plaintiffs, Richard Kadrey, et al., v. Meta Platforms, Inc., No. 3:23-cv-03417-VC, April 11, 2025.

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Depositions and Exhibits

Deposition and Exhibits of Charles Andrew Graeber, March 5, 2025.

Deposition and Exhibits of Kirk Wallace Johnson, March 6, 2025.

Deposition and Exhibits of Andrea Marie Bartz, March 7, 2025.

Deposition and Exhibits of Thomas Turvey, April 10, 2025.

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Case Law

Twentieth Century Music Corp. v. Aiken, 422 U.S. 151, 156 (1975).

Kelly v. Arriba Soft Corp., 336 F. 3d 811, Court of Appeals (9th Circuit 2003).

Authors Guild v. Google, Inc., 954 F.Supp.2d 282, 291 (S.D.N.Y. 2013).

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Publicly Available

“AAP December 2024 StatShot Report: Overall Publishing Industry Up 6.5% Year-To-Date, and Down 4.3% for Month of December,” Association of American Publishers, March 4, 2025, <https://publishers.org/news/aap-december-2024-statshot-report-overall-publishing-industry-up-6-5-year-to-date-and-down-4-3-for-month-of-december/>.

“About Personal Digital Spaces (PDS),” Personal Digital Spaces, <https://www.personaldigitalspaces.com/copy-of-projects>.

“About Us,” Defined.ai, https://www.defined.ai/?trk=products_details_guest_secondary_call_to_action.

“About Us,” Goodrights, <https://www.goodrights.com/about>.

“About,” Human Native, September 12, 2024, <https://www.humannative.ai/about>.

“About,” JaneFriedman.com, <https://janefriedman.com/about/>.

“Advancing The Pace of Research Through AI,” Wiley, <https://www.wiley.com/en-us/media/ai-partnerships>.

“AG Statement on Proposed Sale of Simon & Schuster and Its Ramifications for Authors,” The Authors Guild, November 25, 2020, <https://authorsguild.org/news/ag-statement-on-proposed-sale-of-simon-schuster-and-its-ramifications-for-authors/>.

“AI, Copyright & Licensing,” Copyright Clearance Center, <https://www.copyright.com/resource-library/communities/ai-copyright-licensing/>.

“AI-generated Content on Shutterstock: Contributor FAQ,” Shutterstock, April 18, 2024, https://support.submit.shutterstock.com/s/article/Shutterstock-ai-and-Computer-Vision-Contributor-FAQ?language=en_US.

“Author Overview,” Created by Humans, January, 18, 2025, <https://support.createdbyhumans.ai/hc/en-us/articles/30891024362523-Author-Overview>.

“Authors Guild Celebrates Court’s Decision to Block Penguin Random House-Simon & Schuster Merger in DOJ’s Antitrust Suit,” The Authors Guild, November 1, 2022, <https://authorsguild.org/news/ag-celebrates-courts-decision-to-block-prh-ss-merger/>.

“Carbon markets: the challenges and opportunities,” UBS, May 12, 2023, <https://www.ubs.com/global/en/investment-bank/insights-and-data/2023/carbon-markets.html>.

“CCC Announces AI Systems Training License for the External Use of Copyrighted Works Coming Soon,” Copyright Clearance Center, March 4, 2025, <https://www.copyright.com/media-press-releases/ccc-announces-ai-systems-training-license-for-the-external-use-of-copyrighted-works-coming-soon/>.

“CCC Launches Collective AI License,” Copyright Clearance Center, July 25, 2024, <https://www.copyright.com/blog/ccc-launches-collective-ai-license/>.

“Dozens of content categories supported,” Goodrights, <https://www.goodrights.com/>.

“Enabling The Sustainable Information Economy,” Personal Digital Spaces, March 6, 2019, <https://www.personaldigitalspaces.com/mission>.

“FAQs on the Created by Humans AI Licensing Platform,” The Authors Guild, <https://authorsguild.org/advocacy/artificial-intelligence/created-by-humans-ai-licensing-faq/>.

“For Rights Holders,” Valyu, <https://www.valyu.network/publishers>.

“Frاند Licensing: Everything You Need to Know,” upcounsel, <https://www.upcounsel.com/frاند-licensing>.

“Frequently Asked Questions,” Calliope Networks, <https://calliopenetworks.ai/faq>.

“Google strikes \$60 million deal with Reddit, allowing search giant to train AI models on human posts,” CBS News, February 23, 2024, <https://www.cbsnews.com/news/google-reddit-60-million-deal-ai-training/>.

“HarperCollins AI Licensing Deal,” The Authors Guild, November 19, 2024, <https://authorsguild.org/news/harpercollins-ai-licensing-deal/>.

“HarperCollins Inks AI Licensing Deal for Nonfiction Books,” Publishers Weekly, November 18, 2024, <https://www.publishersweekly.com/pw/newsbrief/index.html?record=5076>.

“Home,” Calliope Networks, <https://calliopenetworks.ai/>.

“How 5G Standard Essential Patents (SEPs) Are Being Used by Telcos,” ABI Research, August 4, 2023, <https://www.abiresearch.com/blog/5g-standard-essential-patents-seps>.

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Publicly Available

“How Content ID Works,” YouTube Help, <https://support.google.com/youtube/answer/2797370?hl=en>.

“How does Uber work?” Uber, <https://heluber.com/riders/article/how-does-uber-work?nodeId=738d1ff7-5fe0-4383-b34c-4a2480efd71e>.

“How much will I be paid as a contributor to Shutterstock,” Shutterstock, June 3, 2020, https://support.submit.shutterstock.com/s/article/How-much-will-I-be-paid-as-a-contributor-to-Shutterstock?language=en_US.

“How the Music Industry’s Cultural and Financial Impact Define Its Success in 2025,” Spotify Newsroom, <https://newsroom.spotify.com/2025-03-12/beyond-profits-how-the-music-industrys-cultural-and-financial-impact-define-its-success-in-2025/>.

“How Uber’s dynamic pricing model works,” Uber, <https://www.uber.com/en-GB/blog/uber-dynamic-pricing/>.

“Human Native,” Human Native, <https://www.humannative.ai/>.

“Informa PLC Press Release,” Informa, May 8, 2024, <https://www.informa.com/globalassets/documents/investor-relations/2024/informa-plc---market-update.pdf>.

“TVP Raises \$1.6 Billion 18th Fund,” Cooley, March 28, 2024, <https://www.cooley.com/news/coverage/2024/2024-03-28-ivp-raises-1-6-billion-18th-fund>.

“Licensing Copyrighted Works for AI,” Calliope Networks, December 14, 2023, <https://calliopenevents.ai/f/licensing-copyrighted-works-for-ai>.

“Licensing, rights and permissions,” Taylor and Francis, <https://taylorandfrancis.com/contact/rights-and-permissions/>.

“Momentum Continues for Licensed Training Data,” Calliope Networks, March 26, 2024, <https://calliopenevents.ai/f/momentum-continues-for-licensed-training-data>.

“Open standards: together we innovate,” Ericsson, <https://www.ericsson.com/en/reports-and-papers/white-papers/open-standards-together-we-innovate>.

“Our Company,” Taylor and Francis, <https://taylorandfrancis.com/about/>.

“Our Sources,” Linkup.so, <https://www.linkup.so/content-partners>.

“Piracy,” The Authors Guild, <https://authorsguild.org/advocacy/piracy/>.

“Platforms and Publishers: AI Partnership Tracker,” Quarto Pub, February 19, 2025, <https://petebrown.quarto.pub/pnp-ai-partnerships/>.

“Please reach out if you’re a publisher or creator interested in participating in the financial upside of generative AI,” ProRat.ai, <https://www.prorata.ai/partnerships>.

“Projects,” Personal Digital Spaces, March 6, 2019, <https://www.personaldigitalspaces.com/our-projects>.

“ProRata.ai,” ProRat.ai, <https://www.prorata.ai/>.

“ProRata.AI,” ProRata.ai, August 6, 2024, <https://www.prorata.ai/about>.

“Protege Acquires Calliope Networks, Unlocking Premium Video Data for AI Training,” PRNewswire, December 18, 2024, <https://www.prnewswire.com/news-releases/protege-acquires-calliope-networks-unlocking-premium-video-data-for-ai-training-302335162.html>.

“Protege Raises \$10 Million and Launches Platform for AI Training Data,” Yahoo! Finance, September 10, 2024, <https://finance.yahoo.com/news/protege-raises-10-million-launches-170200731.html>.

“Publishing Giant Wiley is Reorienting Itself as an AI Licensing Company,” CoAI, September 6, 2024, <https://getcoai.com/news/publishing-giant-wiley-is-reorienting-itself-as-an-ai-licensing-company/>.

“Responsible AI Starts with Licensing,” Copyright Clearance Center, <https://www.copyright.com/>.

“Ride-sharing services in the U.S. – statistics & facts,” Statista.com, November 2024. <https://www.statista.com/topics/4610/ridesharing-services-in-the-us/#topicOverview>.

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Publicly Available

“ScalePost,” ScalePost, <https://www.scalepost.ai/>.

“Setting a New Bar for Belonging With Our Biggest Night Ever,” Airbnb, <https://news.airbnb.com/biggestnightever/>.

“Shutterstock Data Licensing and the Contributor Fund,” Shutterstock, October 24, 2024, https://support.submit.shutterstock.com/s/article/Shutterstock-Data-Licensing-and-the-Contributor-Fund?language=en_US.

“Spotify Investors,” Spotify, <https://investors.spotify.com/home/default.aspx>.

“Spotify the Audio Aggregator,” Montaka Global Investments, February 12, 2019, <https://montaka.com/spotify-the-audio-aggregator/>.

“Survey Reveals 90 Percent of Writers Believe Authors Should Be Compensated for the Use of Their Books in Training Generative AI,” The Authors Guild, May 15, 2023, <https://authorsguild.org/news/ai-survey-90-percent-of-writers-believe-authors-should-be-compensated-for-ai-training-use/>.

“The Evolution of IP Standards and Patent Pools: A Historical Overview,” TheLaw.Institute, January 29, 2024, <https://thelaw.institute/management-of-iprs/evolution-ip-standards-patent-pools-history/#the-emergence-of-patent-pools-collaborative-ip-management>.

“The Global Ebook Market: Growth and Challenges,” Publishing State, October 18, 2023, <https://publishingstate.com/global-ebook-market/2023/>.

“The Guild’s Three- Step Approach to Negotiating Contracts,” The Authors Guild, October 10, 2022, <https://authorsguild.org/blog/the-guilds-three-step-approach-to-negotiating-contracts/>.

“The Protege Platform,” Protege, September 9, 2024, <https://www.withprotege.ai/platform>.

Platform,” PRNewswire, October 22, 2024, <https://www.prnewswire.com/news-releases/tollbit-a-two-sided-marketplace-for-ai-companies-and-publishers-closes-at-24-million-in-series-a-funding-302283475.html>.

“TollBit,” TollBit,, <https://tollbit.com/>.

“Turn Your Data Into Assets (Responsibly),” Personal Digital Spaces, March 6, 2019, <https://www.personaldigitalspaces.com>.

“Uber Announces Results for Fourth Quarter and Full Year 2024,” Uber, February 5, 2024, <https://investor.uber.com/news-events/news/press-release-details/2025/Uber-Announces-Results-for-Fourth-Quarter-and-Full-Year-2024/default.aspx>.

“Understanding Standard Essential Patents in 2025: Steps, Strategies, and Examples,” Lumenci, February 25, 2025, <https://lumenci.com/blogs/understanding-standard-essential-patents/>.

“What is Perplexity,” Perplexity, <https://www.perplexity.ai/hub/faq/what-is-perplexity>.

“What is Shutterstock?” Shutterstock, https://support.shutterstock.com/s/article/What-is-Shutterstock?language=en_US.

“Why Trainspot,” Trainspot, <https://www.trainspot.ai>.

“Your AI, Our Partnership,” ScalePost, <https://www.scalepost.ai/for-ai>.

Avramenko, Iryna, “How to Claim Revenue from Unauthorized Uses of Your Content,” AIR Media-Tech, April 14, 2025, <https://air.io/en/how-to-claim-revenue-from-unauthorized-uses-of-your-content>.

Battersby, Matilda, “Sage confirms it is in talks to license content to AI firms,” The Bookseller, September 19, 2024, <https://www.thebookseller.com/news/sage-confirms-it-is-in-talks-to-license-content-to-ai-firms>.

Bartz, et. al v. Anthropic, PBC

DOCUMENTS CONSIDERED

Appendix 2

Publicly Available

Brown, Tom B., et al., “Language Models are Few-Shot Learners,” OpenAI, May 28, 2020, <https://arxiv.org/abs/2005.14165>.

Bruell, Alexandra, “New York Times to Bezos-Backed AI Startup: Stop Using Our Stuff,” Wall Street Journal, October 15, 2024, <https://www.msn.com/en-us/money/companies/new-york-times-to-bezos-backed-ai-startup-stop-using-our-stuff/ar-AA1si6Gz>.

Bufford, Samuel, “International Rule of Law and the Market Economy – An Outline,” PennState Law, 12 Se. J.L. & Trade AM. 303 (2006), https://elibrary.law.psu.edu/fac_works/162.

Carpenter, Todd, “Wiley Leans into AI. The Community Should Lean with Them,” The Scholarly Kitchen, October 31, 2024, <https://scholarlykitchen.sspnet.org/2024/10/31/wileys-josh-jarret-interview-about-impact-of-ai/>.

Chesson, Dave, “About,” Kindlepreneur, <https://kindlepreneur.com/about/>.

Curcic, Dimitrije, “The Big Five Publishers Statistics,” WordsRated, November 17, 2022, <https://wordsrated.com/the-big-five-publishers-statistics/>.

Davidson, Nestor M., Infranca, John J., “Regulatory Challenges in the Sharing Economy,” American Bar Association, December 16, 2019, https://www.americanbar.org/groups/government_public/publications/public_lawyer_articles/regulatory-challenges-in-the-sharing-economy/.

Davis, Dave, “Facilitating Efficient and Effective Copyright Licensing for AI,” Copyright Alliance, January 23, 2024, <https://copyrightalliance.org/facilitating-copyright-licensing-ai/>.

De Luna, Phil, “Why Are Companies Buying So Many Carbon Removal Credits?,” Forbes, April 9, 2024, <https://www.forbes.com/sites/phildeluna/2024/04/09/why-are-companies-buying-so-many-carbon-removal-credits/>.

Deutscher, Maria, “Dappier raises \$2M in seed funding for its AI data marketplace,” Silicon Angle, June 26, 2024, <https://siliconangle.com/2024/06/26/dappier-raises-2m-seed-funding-ai-data-marketplace/>.

Dillet, Romain, “Linkup connects LLMs with premium content sources (legally),” Tech Crunch, November 28, 2024, <https://techcrunch.com/2024/11/28/linkup-connects-llms-with-premium-content-sources-legally/>.

Escárzaga, Antonio L., “Paris-based Linkup raises €3 million aiming to revolutionise ethical and efficient web access for AI,” EU-Startups, <https://www.eu-startups.com/2024/11/paris-based-linkup-raises-e3-million-aiming-to-revolutionise-ethical-and-efficient-web-access-for-ai/>.

Field, Hayden, “Perplexity AI in final stages of raising \$500 million round at \$9 billion valuation,” CNBC, November 5, 2024, <https://www.cnbc.com/2024/11/05/perplexity-ai-nears-500-million-funding-round-at-9-billion-valuation.html>.

Fischer, Sara, “Exclusive: AI startup TollBit raises \$24M series A,” Axios, October 22, 2024, <https://www.axios.com/2024/10/22/ai-startup-tollbit-media-publishers>.

Friedman, Jane, “Like It or Not, Publishers Are Licensing Books for AI Training—And Using AI Themselves,” Jane Friedman, July 17, 2024, <https://janefriedman.com/like-it-or-not-publishers-are-licensing-material-for-ai-training-and-using-ai-themselves/>.

Guaglione, Sara, “How Perplexity calculates publishers’ share of ad revenue,” Digiday, December 17, 2024, <https://digiday.com/media/how-perplexity-calculates-publishers-share-of-ad-revenue/>.

Hagiu, Andrei and Yoffie, David, “Intermediaries for the IP market,” Harvard, 2011, https://www.hbs.edu/ris/Publication%20Files/12-023_0e95cdce-abbf-46ea-b8cb-15a3ebb054ed.pdf.

Haines, Derek, “How Many Ebooks Are There In The Kindle Store On Amazon?” Just Publishing Advice, March 10, 2023, <https://justpublishingadvice.com/how-many-kindle-ebooks-are-there/>.

Hamilton, Jason, “How to Write a Book in Claude: My Complete Process,” Kindlepreneur, March 3, 2025, <https://kindlepreneur.com/claude-ai/>.

Hardy, W., Krawczyk, M. & Tyrowicz, J., “Internet “piracy” and book sales: a field experiment,” J Econ Sci Assoc 10, 457–471 (2024). <https://doi.org/10.1007/s40881-024-00171-9>.

“The Herd” by Andrea Bartz, https://www.google.com/books/edition/The_Herd/Et2fDwAAQBAJ?hl=en&gbpv=1&dq=andrea+bartz&printsec=frontcover.

Appendix 3

Bartz, et. al v. Anthropic, PBC

EXAMPLES OF OTHER MARKETS

Appendix 3

Identical comparators in IP licensing are rare, making it particularly relevant and helpful that there are other market examples that share features with the facts here, both in and out of the IP context.

1. EBOOKS

The ebook market for book distribution and publication is an example of a market that faced and overcame challenges with the structures addressed in my report. For example, one supply side challenge was that ebook distributors were limited to content for which publishers would convey publication rights, and the publishers were very tentative about offering those titles for which they anticipated continued print sales. In addition, publishers and distributors had complex marketing and pricing models. There were also demand side challenges, with ebook users expecting benefits associated with navigating aggregated content.¹ The necessary and important backdrop was protecting copyright via digital rights management, which prevented piracy and placed guardrails on users.²

Over time, tools and mechanisms emerged which effectuated the further development of the ebook market. For example, publishers, such as Wiley and Springer, who are able to manage the digitization process and who have a delivery platform, were selling directly to libraries either with bundled or individual titles. In addition, smaller-scale publishers were working through aggregators to provide digitization and hosting services.³

The Association of American Publishers reported that ebook revenues were up 1.6% in 2024 compared to 2023 for a total of \$1.0 billion.⁴ As of 2023, Google hosts more than 40 million books in more than 500 languages and close to 3.4 million ebooks on Amazon Kindle.⁵

¹ Sandler, Mark, Armstrong, Kim, Nardini, Bob, “Market Formation for E-Books: Diffusion, Confusion or Delusion?,” *Michigan Publishing*, Vol. 10, Issue 3, Fall 2007, <https://quod.lib.umich.edu/j/jep/3336451.0010.310/--market-formation-for-e-books-diffusion-confusion-or-delusion?rgn=main;view=fulltext>; Sisto, Michelle, “Publishing and Library E-Lending: An Analysis of the Decade Before Covid-19,” *Pub Res Q*, 405-422 (2022), <https://doi.org/10.1007/s12109-022-09880-7>.

² “The Global Ebook Market: Growth and Challenges,” *Publishing State*, October 18, 2023, <https://publishingstate.com/global-ebook-market/2023/>.

³ Sandler, Mark, Armstrong, Kim, Nardini, Bob, “Market Formation for E-Books: Diffusion, Confusion or Delusion?,” *Michigan Publishing*, Vol. 10, Issue 3, Fall 2007, <https://quod.lib.umich.edu/j/jep/3336451.0010.310/--market-formation-for-e-books-diffusion-confusion-or-delusion?rgn=main;view=fulltext>.

⁴ “AAP December 2024 StatShot Report: Overall Publishing Industry Up 6.5% Year-To-Date, and Down 4.3% for Month of December,” *Association of American Publishers*, March 4, 2025, <https://publishers.org/news/aap-december-2024-statshot-report-overall-publishing-industry-up-6-5-year-to-date-and-down-4-3-for-month-of-december/>.

⁵ Marini, Ari, “How the Google Books team moved 90,000 books across a continent,” *Google*, January 27, 2023, <https://blog.google/products/search/google-books-library-project/>; Haines, Derek, “How Many Ebooks Are There In

2. MUSIC PLATFORMS

Following the shutdown of Napster, which was sued for copyright infringement by the Recording Industry Association of America, legitimate alternatives emerged to distribute record companies' music, such as Spotify and iTunes.⁶ A major challenge in the development of this market was the then-lack of an affordable, easy and legal option to effectuate a digital music market.⁷ In addition, it was a complex process to license, distribute, and monetize music content.⁸

Spotify and Apple introduced a new centralized model where consumers pay a subscription for the convenience of access to all the music they want in one centralized place. By creating a centralized, many-to-many platform, Spotify connects content creators (artists, labels, and publishers) with buyers (listeners, advertisers, and licensees) while reducing transaction costs and enhancing transparency.⁹ The Music Modernization Act ("MMA") in 2018 called for expanded collective copyright management for digital streaming. Notably, collective copyright management has been valuable for both copyright owners and users of copyrighted works with a primary advantage being reduced transaction costs.¹⁰

As of 2021, Spotify hosted over 70 million recordings with most of the recordings encompassing two copyrighted works that must be licensed separately – a copyrighted sound recording and a copyrighted underlying musical composition.¹¹ Music streaming services now boast more than 500 million paying subscribers worldwide. In 2024, Spotify alone paid out \$10 billion to the music industry - more than any single company has ever contributed in one year.¹²

The Kindle Store On Amazon?" *Just Publishing Advice*, March 10, 2023, <https://justpublishingadvice.com/how-many-kindle-ebooks-are-there/>.

⁶ Knopper, Steve, "iTunes' 10th Anniversary: How Steve Jobs Turned the Industry Upside Down," *RollingStone*, April 26, 2013, <https://www.rollingstone.com/culture/culture-news/itunes-10th-anniversary-how-steve-jobs-turned-the-industry-upside-down-68985/>.

⁷ Knopper, Steve, "iTunes' 10th Anniversary: How Steve Jobs Turned the Industry Upside Down," *RollingStone*, April 26, 2013, <https://www.rollingstone.com/culture/culture-news/itunes-10th-anniversary-how-steve-jobs-turned-the-industry-upside-down-68985/>.

⁸ Rosser, Jake, "Spotify: A Case Study in Business Strategy and Value Compounding," *MOI Global*, August 10, 2020, <https://moiglobal.com/spotify-case-study-202008/>.

⁹ "Spotify the Audio Aggregator," *Montaka Global Investments*, February 12, 2019, <https://montaka.com/spotify-the-audio-aggregator/>.

¹⁰ Priest, Eric, "The Future of Music Copyright Collectives in the Digital Streaming Age," *Columbia Journal of Law & The Arts*, 2021, <https://journals.library.columbia.edu/index.php/lawandarts/article/download/8953/4621/20197>.

¹¹ Priest, Eric, "The Future of Music Copyright Collectives in the Digital Streaming Age," *Columbia Journal of Law & The Arts*, 2021, <https://journals.library.columbia.edu/index.php/lawandarts/article/download/8953/4621/20197>.

¹² "How the Music Industry's Cultural and Financial Impact Define Its Success in 2025," *Spotify Newsroom*, <https://newsroom.spotify.com/2025-03-12/beyond-profits-how-the-music-industrys-cultural-and-financial-impact-define-its-success-in-2025/>

3. TELECOMMUNICATIONS

The development of the digital telecommunications market faced, and continues to face, various challenges, including rapid technological advancements and regulatory changes. In addition, the industry has highly complex technology that is owned by many different stakeholders.¹³

SEPs are a key mechanism for creating interoperability and ensuring proper IP protection in this market.¹⁴ The creation of SDOs ensured evolution of technology and have been a constant driver of innovation. Standards create global ecosystems by enabling economies of scale which lead to lower implementation costs. An open standardization process also ensures contributions from many different stakeholders. FRAND licensing principles, which have been widely adopted within the market, ensure the market becomes accessible to new players who wish to use standardized technology.¹⁵

Today, numerous market participants contribute to standardization practices and engage in licensing for telecommunications IP.¹⁶

4. SHARING MARKETS

One of the largest challenges that faced the development of the modern sharing market was how to classify and regulate platforms like Uber and Airbnb in relation to analogous services like taxicabs and hotels. Other challenges include the rapidly changing nature of work, increasing traffic congestion and declining public transportation use, and housing affordability as short-term rentals threaten to reduce the stock of long-term rental units. Since sharing economy companies connect providers and consumers through online platforms, consumer protection and privacy questions emerged as the sector scaled up.¹⁷ The sharing market also faces the “chicken-and-egg” problem where platforms like Uber and Airbnb rely on both consumers and producers to create and sustain a marketplace.¹⁸

¹³ “Open standards: together we innovate,” *Ericsson*, <https://www.ericsson.com/en/reports-and-papers/white-papers/open-standards-together-we-innovate>.

¹⁴ “How 5G Standard Essential Patents (SEPs) Are Being Used by Telcos,” *ABI Research*, August 4, 2023, <https://www.abiresearch.com/blog/5g-standard-essential-patents-seps>.

¹⁵ “Open standards: together we innovate,” *Ericsson*, <https://www.ericsson.com/en/reports-and-papers/white-papers/open-standards-together-we-innovate>.

¹⁶ “How 5G Standard Essential Patents (SEPs) Are Being Used by Telcos,” *ABI Research*, August 4, 2023, <https://www.abiresearch.com/blog/5g-standard-essential-patents-seps>.

¹⁷ Davidson, Nestor M., Infranca, John J., “Regulatory Challenges in the Sharing Economy,” *American Bar Association*, December 16, 2019, https://www.americanbar.org/groups/government_public/publications/public_lawyer_articles/regulatory-challenges-in-the-sharing-economy/.

¹⁸ Nobel, Carmen, “The Most Pressing Issues for Platform Providers in the Sharing Economy,” *Harvard Business School*, April 17, 2017, <https://www.library.hbs.edu/working-knowledge/the-most-pressing-issues-for-platform-providers-in-the-sharing-economy>.

Sharing companies developed mechanisms to simplify the process of interacting in the market. Uber and Airbnb have created digital matching platforms enabling peer-to-peer transactions.¹⁹ These platforms rely on user-based rating systems for quality control.²⁰ In addition, ride sharing companies have developed dynamic pricing models that are able to increase fees during peak hours, automatically calculate fees, and automatically charge payment methods.²¹

Companies advancing the sharing economy now rival, and even surpass, some of the world's largest businesses in transportation, hospitality, and other sectors.²² In the fourth quarter of 2024, Uber reportedly averaged 33 million trips per day and the ride-hailing market is projected to grow to nearly \$61 billion dollars in 2029.²³ Airbnb has approximately six guests check into an Airbnb listing every second.²⁴

5. CARBON CREDITS EXCHANGE

Voluntary carbon markets were pioneered in the early 2000s by a small group of environmental organizations and private companies who recognized a need for a market-based solution to address carbon emissions.²⁵ The market, which is still evolving to this day, faces various challenges, such as lack of standardization, integrity and transparency. This market also faces significant regulatory uncertainty as changing government policies can affect credit demand and pricing.²⁶

To address these issues, various initiatives emerged that seek to establish clear standards and certifications for carbon credits. Notably, the Verified Carbon Standard and the Gold Standard are two prominent

¹⁹ Penn, Joanna, Wihbey, John, "Uber, Airbnb and consequences of the sharing economy: Research roundup," *The Journalist's Resource*, June 3, 2016, <https://journalistsresource.org/economics/airbnb-lyft-uber-bike-share-sharing-economy-research-roundup/>.

²⁰ Penn, Joanna, Wihbey, John, "Uber, Airbnb and consequences of the sharing economy: Research roundup," *The Journalist's Resource*, June 3, 2016, <https://journalistsresource.org/economics/airbnb-lyft-uber-bike-share-sharing-economy-research-roundup/>.

²¹ "How Uber's dynamic pricing model works," *Uber*, <https://www.uber.com/en-GB/blog/uber-dynamic-pricing/>; "How does Uber work?" *Uber*, <https://help.uber.com/riders/article/how-does-uber-work?nodeId=738d1ff7-5fe0-4383-b34c-4a2480efd71e>.

²² Penn, Joanna, Wihbey, John, "Uber, Airbnb and consequences of the sharing economy: Research roundup," *The Journalist's Resource*, June 3, 2016, <https://journalistsresource.org/economics/airbnb-lyft-uber-bike-share-sharing-economy-research-roundup/>.

²³ "Uber Announces Results for Fourth Quarter and Full Year 2024," *Uber*, February 5, 2024, <https://investor.uber.com/news-events/news/press-release-details/2025/Uber-Announces-Results-for-Fourth-Quarter-and-Full-Year-2024/default.aspx>; "Ride-sharing services in the U.S. – statistics & facts," *Statista.com*, November 2024. <https://www.statista.com/topics/4610/ridesharing-services-in-the-us/#topicOverview>

²⁴ "Setting a New Bar for Belonging With Our Biggest Night Ever," *Airbnb*, <https://news.airbnb.com/biggestnightever/>.

²⁵ "Carbon markets: the challenges and opportunities," *UBS*, May 12, 2023, <https://www.ubs.com/global/en/investment-bank/insights-and-data/2023/carbon-markets.html>.

²⁶ "Carbon markets: the challenges and opportunities," *UBS*, May 12, 2023, <https://www.ubs.com/global/en/investment-bank/insights-and-data/2023/carbon-markets.html>.

certification programs that provide a rigorous and transparent framework for the development and verification of carbon credits.²⁷

Some of the largest carbon credit purchasers in 2023 were Shell (which purchased credits for approximately 60 million tons of CO₂ equivalent), BP (which purchased credits for approximately 40 million tons of CO₂ equivalent), and ExxonMobil (which purchased credits for approximately 30 million tons of CO₂ equivalent). Technology companies, financial institutions, and manufacturing companies also purchased credits for tens of millions of CO₂ equivalent.²⁸ Reportedly close to 5 million tons of carbon removal credits were purchased between 2023 and 2024.²⁹

²⁷ “Carbon markets: the challenges and opportunities,” *UBS*, May 12, 2023, <https://www.ubs.com/global/en/investment-bank/insights-and-data/2023/carbon-markets.html>.

²⁸ Who Are the Largest Buyers of Carbon Credits?, *Carbon.Credit*, <https://blog.carbon.credit/2024/07/30/who-are-the-largest-buyers-of-carbon-credits/>.

²⁹ De Luna, Phil, “Why Are Companies Buying So Many Carbon Removal Credits?,” *Forbes*, April 9, 2024, <https://www.forbes.com/sites/phildeluna/2024/04/09/why-are-companies-buying-so-many-carbon-removal-credits/>.

Appendix 4

Bartz, et. al v. Anthropic PBC

NON-EXHAUSTIVE LIST OF AI CONTENT INTERMEDIARIES, AGGREGATORS, AND PLATFORMS

Appendix 4

ProRata.ai

ProRata.ai is a generative AI company that has developed technology to accurately attribute and compensate content owners for the use of their work.¹ According to ProRata.ai, its technology enables AI platforms to fractionally attribute and share revenues on a per-use basis with content owners, ensuring fair compensation. The company has established partnerships with major media companies, including the Atlantic, MIT Technology Review, and News/Media Alliance, the leading trade association for news media publishers.² The company has also entered into deals with individual authors, such as Neal Postman, Scott Galloway, and Tony Robbins.³ As of November 2024, ProRata.ai had reached licensing agreements with publishers including the Guardian, Sky News, and DMG Media, publisher of the Daily Mail. DMG Media also committed to making a “significant investment” in ProRata.ai as part of a funding round that values the company at about \$130 million.⁴ ProRata.ai recently raised \$25 million in a Series A funding round from investors that included Revolution Partners, Prime Movers Lab, and the Mayfield Fund.⁵

“ProRata builds technology that enables generative AIs to properly attribute contributing content and share revenues on a per-use basis. By doing so, the company protects creators while helping to prevent unreliable content from compromising AI results.”⁶ The company has publicly stated that it is in advanced discussions

¹ Nicoud, Anabelle, “ProRata aims to be pro publisher for revenue sharing on AI platforms,” *World Association of News Publishers*, January 20, 2025, <https://wan-ifra.org/2025/01/prorata-aims-to-be-pro-publisher-when-it-comes-to-revenue-sharing-on-ai-platforms/>.

² Quigley, Sam, “News/Media Alliance Announces AI Licensing Partnership with ProRata,” *News Media Alliance*, March 26, 2025, <https://www.newsmediaalliance.org/prorata-licensing-partnership/>.

³ Knibbs, Kate, “Generative AI Has a ‘Shoplifting’ Problem. This Startup CEO Has a Plan to Fix It,” *Wired*, August 8, 2024, <https://www.wired.com/story/bill-gross-prorata-generative-ai-business/>. See also, “Supporting authors” highlighted on ProRata.ai’s website (<https://www.prorata.ai/>): Ichak Adizes, Ian Bremmer, Peter Diamandis, Scott Galloway, Seth Godin, Adam Grant, Walter Isaacson, Jeff Jarvis, Neil Postman, Tony Robbins, Anthony Scaramucci, Rishad Tobaccowala, “ProRata.ai,” *ProRata.ai*, December 10, 2024, <https://www.prorata.ai/>.

⁴ Olsen, Robert, “AI Startup ProRata Partners With U.K. Publishers As Valuation Reportedly Hits \$130 Million,” *Forbes*, November 20, 2024, <https://www.forbes.com/sites/robertolsen-1/2024/11/20/ai-startup-prorata-partners-with-uk-publishers-as-valuation-reportedly-hits-130-million/>.

⁵ Olsen, Robert, “AI Startup ProRata Partners With U.K. Publishers As Valuation Reportedly Hits \$130 Million,” *Forbes*, November 20, 2024, <https://www.forbes.com/sites/robertolsen-1/2024/11/20/ai-startup-prorata-partners-with-uk-publishers-as-valuation-reportedly-hits-130-million/>.

⁶ “ProRata.AI,” *ProRata.ai*, August 6, 2024, <https://www.prorata.ai/about>.

with global news publishers, media and entertainment companies, and more than 100 “noted authors” for licensing deals.⁷ ProRata.ai is committed to exclusively using licensed data.⁸

Created by Humans

Created by Humans is a platform designed to aggregate copyrighted content and facilitate its licensing for AI developers. The platform aggregates high-quality, curated works from authors and publishers. Authors can sign up on the platform, verify their identity, and claim their books by ISBN or by uploading their work.⁹ According to Created by Humans “[t]he values currently being paid for AI rights across other media—such as news, video, textbooks, and social platforms—are significant, and we believe the potential for trade books could be even greater.”¹⁰

Trip Adler, cofounder and CEO of Created by Humans said, “Our goal is to make AI licensing simple and transparent so that authors of all sizes can contribute to and profit from AI’s use of their work while AI developers can properly reward the humans fueling their technology, without slowing down innovations.” Created by Humans aims to have an author-centric business allowing authors to have full control over the licensing of their books.¹¹

In June 2024, it was announced that Created by Humans attracted \$5 million in funding. “The round was led by All-In podcast co-host and Craft Ventures founder David Sacks and Mike Maples, co-founder of Floodgate Fund. Other investors in the round included Jason Calacanis at LAUNCH Fund, Slow Venture’s Sam Lessin and Garry Tan.”¹²

TollBit

TollBit is a platform designed to help publishers monetize their content by managing and licensing AI bot traffic.¹³ TollBit “acts as a digital toll booth of sorts, charging AI companies a price every time they scrape

⁷ Stassen, Murray “Universal Music Strikes Strategic Agreement with AI Startup ProRata, Which Just Raised \$25M for a Chatbot and Tech to Attribute and Compensate Content Owners,” *Music Business Worldwide*, August 6, 2024, <https://www.musicbusinessworldwide.com/universal-music-strikes-strategic-agreement-with-ai-startup-prorata-which-just-raised-25m-for-a-chatbot-and-tech-to-attribute-and-compensate-content-owners1/>.

⁸ Knibbs, Kate, “Generative AI Has a ‘Shoplifting’ Problem. This Startup CEO Has a Plan to Fix It,” *Wired*, August 8, 2024, <https://www.wired.com/story/bill-gross-prorata-generative-ai-business/>.

⁹ “FAQs on the Created by Humans AI Licensing Platform,” *The Authors Guild*, <https://authorsguild.org/advocacy/artificial-intelligence/created-by-humans-ai-licensing-faq/>.

¹⁰ “Author Overview,” *Created by Humans*, January, 18, 2025, <https://support.createdbyhumans.ai/hc/en-us/articles/30891024362523-Author-Overview>.

¹¹ Nawotka, Ed, “Created by Humans AI Rights Platform Launches for Authors,” *Publishersweekly*, January 2025, <https://www.publishersweekly.com/pw/by-topic/digital/content-and-e-books/article/96846-created-by-humans-launches-ai-rights-platform-for-authors.html>

¹² Temkin, Marina, “Backed by David Sacks, Garry Tan and Walter Isaacson, Created by Humans helps people license their creative work to AI models,” *TechCrunch*, June 25, 2024, <https://techcrunch.com/2024/06/25/backed-by-david-sacks-garry-tan-and-walter-isacson-created-by-humans-helps-authors-license-their-creative-work-to-ai-models/>.

¹³ “TollBit,” *TollBit*, <https://tollbit.com/>.

a publisher's content."¹⁴ The platform facilitates real-time licensing deals between publishers and AI companies, making it easy for publishers to onboard multiple AI partners and monetize their content effectively.¹⁵ The platform has struck deals with its first set of publishing partners, including Penske Media Corporation, Time, Mumsnet, Trusted Media Brands, Candr Media Group, and AdWeek.¹⁶

In October 2024, Tollbit announced it raised a \$24 million series A round led by Lightspeed Ventures. Another venture firm, S32, also participated in the new round, alongside investments from Google AI lead Jeff Dean and Roblox product chief Manual Bronstein.¹⁷ Lightspeed partner Michael Migano told Axios "[a]s AI agents become more accessible and proliferate at an exponential rate, publishers and digital content owners need a way to monetize content that doesn't rely simply on eyeballs and clients" and that TollBit is the solution.¹⁸

Founder of TollBit, Toshit Panigrahi, "believes a marketplace solution is more sustainable and scalable because it allows AI companies to pay a fair market value for access to the content they need, rather than try to negotiate hundreds of subjective deals with many different publishers simultaneously."¹⁹ Panigrahi also stated "It's not that they don't have an unwillingness to pay for the content...[t]he problem that we found is oftentimes they don't want to form partnerships because partnerships are a long, drawn out, human-intensive process."²⁰

Perplexity

Perplexity is an AI search engine that pulls real-time information from the internet to provide a single comprehensive answer summarizing what you want to know.²¹ Perplexity has signed several license agreements with media partners. In July 2024, Perplexity announced a Publishers Program through which media partners will be compensated through a revenue share program. According to the Wall Street Journal,

¹⁴ Shrivastava, Rashi, "These Startups Are Making Sure AI Companies Pay Up For Taking Content," *Forbes*, December 23, 2024, <https://www.forbes.com/sites/rashishrivastava/2024/12/23/these-startups-are-making-sure-ai-companies-pay-up-for-taking-content/>.

¹⁵ "Tollbit, a Two-Sided Marketplace for AI Companies and Publishers, Closes at \$24 Million in Series A Funding; Transactions are Live on Product; Multiple Publishers & AI Companies Join Platform," *PRNewswire*, October 22, 2024, <https://www.prnewswire.com/news-releases/tollbit-a-two-sided-marketplace-for-ai-companies-and-publishers-closes-at-24-million-in-series-a-funding-302283475.html>.

¹⁶ Fischer, Sara, "Exclusive: AI startup TollBit raises \$24M series A," *Axios*, October 22, 2024, <https://www.axios.com/2024/10/22/ai-startup-tollbit-media-publishers>.

¹⁷ Fischer, Sara, "Exclusive: AI startup TollBit raises \$24M series A," *Axios*, October 22, 2024, <https://www.axios.com/2024/10/22/ai-startup-tollbit-media-publishers>.

¹⁸ Fischer, Sara, "Exclusive: AI startup TollBit raises \$24M series A," *Axios*, October 22, 2024, <https://www.axios.com/2024/10/22/ai-startup-tollbit-media-publishers>.

¹⁹ Fischer, Sara, "Exclusive: AI startup TollBit raises \$24M series A," *Axios*, October 22, 2024, <https://www.axios.com/2024/10/22/ai-startup-tollbit-media-publishers>.

²⁰ Fischer, Sara, "Exclusive: AI startup TollBit raises \$24M series A," *Axios*, October 22, 2024, <https://www.axios.com/2024/10/22/ai-startup-tollbit-media-publishers>.

²¹ "What is Perplexity," *Perplexity*, <https://www.perplexity.ai/hub/faq/what-is-perplexity>.

the revenue share is up to 25%.²² Media outlets and content platforms including Fortune, Time, Entrepreneur, The Texas Tribune, Der Spiegel, and WordPress were among the first to join the company's Publishers Program.²³

Reportedly, Perplexity had a valuation of roughly \$500 million in the beginning of 2024. As of November 2024, it was in the final stages of raising \$500 million in funding at a \$9 billion valuation.²⁴ The funding round was led by Institutional Venture Partners, a Bay Area-based firm recognized as one of Silicon Valley's "original venture firms."²⁵

Human Native

Human Native, a London-based startup, is a platform designed to facilitate the transparent licensing of data for AI development.²⁶ The platform simplifies the licensing process with a single technical integration for all data licensing needs, eliminating the need for bespoke integrations for each partner. This makes it easier for AI companies to access the data they need.²⁷ According to Tech Crunch, "[r]ights holders upload their content for no charge and connect with AI companies to land revenue share or subscription deals."²⁸ The platform helps rights holders prepare and price their content and monitors for any copyright infringement. Human Native takes a cut of each deal and charges AI companies for its transaction and monitoring services.²⁹

²² Guaglione, Sara, "How Perplexity calculates publishers' share of ad revenue," *Digiday*, December 17, 2024, <https://digiday.com/media/how-perplexity-calculates-publishers-share-of-ad-revenue/>; Bruell, Alexandra, "New York Times to Bezos-Backed AI Startup: Stop Using Our Stuff," *Wall Street Journal*, October 15, 2024, <https://www.msn.com/en-us/money/companies/new-york-times-to-bezos-backed-ai-startup-stop-using-our-stuff/ar-AA1si6Gz>.

²³ Field, Hayden, "Perplexity AI in final stages of raising \$500 million round at \$9 billion valuation," *CNBC*, November 5, 2024, <https://www.cnn.com/2024/11/05/perplexity-ai-nears-500-million-funding-round-at-9-billion-valuation.html>.

²⁴ Field, Hayden, "Perplexity AI in final stages of raising \$500 million round at \$9 billion valuation," *CNBC*, November 5, 2024, <https://www.cnn.com/2024/11/05/perplexity-ai-nears-500-million-funding-round-at-9-billion-valuation.html>.

²⁵ Field, Hayden, "Perplexity AI in final stages of raising \$500 million round at \$9 billion valuation," *CNBC*, November 5, 2024, <https://www.cnn.com/2024/11/05/perplexity-ai-nears-500-million-funding-round-at-9-billion-valuation.html>; "IVP Raises \$1.6 Billion 18th Fund," *Cooley*, March 28, 2024, <https://www.cooley.com/news/coverage/2024/2024-03-28-ivp-raises-1-6-billion-18th-fund>.

²⁶ "Human Native," *Human Native*, <https://www.humannative.ai/>; "About," *Human Native*, September 12, 2024, <https://www.humannative.ai/about>; Szkutak, Rebecca, "Deal Dive: Human Native AI is building the marketplace for AI training licensing deals," *TechCrunch*, June 8, 2024, <https://techcrunch.com/2024/06/08/deal-dive-human-native-ai-is-building-the-marketplace-for-ai-training-licensing-deals/>.

²⁷ "About," *Human Native*, September 12, 2024, <https://www.humannative.ai/about>.

²⁸ Szkutak, Rebecca, "Deal Dive: Human Native AI is building the marketplace for AI training licensing deals," *TechCrunch*, June 8, 2024, <https://techcrunch.com/2024/06/08/deal-dive-human-native-ai-is-building-the-marketplace-for-ai-training-licensing-deals/>.

²⁹ Szkutak, Rebecca, "Deal Dive: Human Native AI is building the marketplace for AI training licensing deals," *TechCrunch*, June 8, 2024, <https://techcrunch.com/2024/06/08/deal-dive-human-native-ai-is-building-the-marketplace-for-ai-training-licensing-deals/>.

In June 2024, Human Native announced a £2.8 million seed round led by LocalGlobe and Mercuri, two British micro-VCs.³⁰

Protege / Calliope Networks

Protege is a platform for AI training data which equips data and content holders with the tools to make their assets available for AI training use cases safely and efficiently, while enabling model builders to discover and access responsibly-sourced data with confidence.³¹ Protege helps data holders determine what the data is worth and ensures that the data remains private and property of the data holder.³² In September 2024, Protege announced a \$10 million seed round in connection with the launch of its platform.³³ The round was led by CRV with participation from SV Angel, Liquid 2 Ventures, Bloomberg Beta, Flex Capital, and more.³⁴

In December 2024, Protege announced it had acquired another service provider, Calliope Networks, which is aggregating books from authors and publishers to process the books for licensing and ingestion by AI models.³⁵ One of Calliope's goals is "to facilitate the legitimate use of copyrighted content by generative AI systems."³⁶ Calliope has compiled "more than 35,000 hours of diverse, high-quality, global content" which is "purpose-built for AI training."³⁷ Calliope currently operates on a "revenue-share basis," in which Calliope negotiates "deals on behalf of our [their] rights holders with AI companies and pay the lion's share as royalties to the rights holders."³⁸

³⁰ Szkutak, Rebecca, "Deal Dive: Human Native AI is building the marketplace for AI training licensing deals," *TechCrunch*, June 8, 2024, <https://techcrunch.com/2024/06/08/deal-dive-human-native-ai-is-building-the-marketplace-for-ai-training-licensing-deals/>.

³¹ "Protege Acquires Calliope Networks, Unlocking Premium Video Data for AI Training," *PRNewswire*, December 18, 2024, <https://www.prnewswire.com/news-releases/protege-acquires-calliope-networks-unlocking-premium-video-data-for-ai-training-302335162.html>.

³² "The Protege Platform," *Protege*, September 9, 2024, <https://www.withprotege.ai/platform>.

³³ "Protege Raises \$10 Million and Launches Platform for AI Training Data," *Yahoo! Finance*, September 10, 2024, <https://finance.yahoo.com/news/protege-raises-10-million-launches-170200731.html>.

³⁴ "Protege Raises \$10 Million and Launches Platform for AI Training Data," *Yahoo! Finance*, September 10, 2024, <https://finance.yahoo.com/news/protege-raises-10-million-launches-170200731.html>.

³⁵ Davis, Dave, "Facilitating Efficient and Effective Copyright Licensing for AI," *Copyright Alliance*, January 23, 2024, <https://copyrightalliance.org/facilitating-copyright-licensing-ai/>; "Protege Acquires Calliope Networks, Unlocking Premium Video Data for AI Training," *PRNewswire*, December 18, 2024, <https://www.prnewswire.com/news-releases/protege-acquires-calliope-networks-unlocking-premium-video-data-for-ai-training-302335162.html>.

³⁶ Davis, Dave "Facilitating Efficient and Effective Copyright Licensing for AI," *Copyright Alliance*, January 23, 2024, <https://copyrightalliance.org/facilitating-copyright-licensing-ai/>.

³⁷ "Home," *Calliope Networks*, <https://calliopenetworks.ai/>.

³⁸ "Frequently Asked Questions," *Calliope Networks*, <https://calliopenetworks.ai/faq>.

Personal Digital Spaces (“PDS”)

The Personal Digital Spaces platform “enables companies to turn their data into real assets by providing an auditable system for attaching data provenance, use rights, monetization and accountability.”³⁹ The PDS platform also integrates blockchain technology to ensure the integrity and accessibility of data.⁴⁰ Part of the PDS mission is to be a “facilitator that removes technical, cost and policy barriers” to the “individuals or countries that provide or add value to the data.”⁴¹ Personal Digital Spaces been a part of multiple projects, including “CopyrightApp™” which “enables users to easily attach licensing information to digital assets shared from their mobile devices, ranging from Creative Commons to Copyright ownership.”⁴² Based on my conversations with PDS leadership, I understand PDS has a commercialized product and customers. According to PDS, the platform supports multiple licensing strategies and pricing models such as subscription, pay-per-use, and advertising-based models.

Copyright Clearance Center (“CCC”)

Copyright Clearance Center (“CCC”) is a leader in copyright licensing solutions, providing services that enable the legal use of copyrighted content across various industries.⁴³ CCC offers opt-in, voluntary collective licensing solutions and its Annual Copyright License includes AI rights, facilitating aggregated licensing deals for AI companies.⁴⁴

In March 2025, CCC announced a new “AI Systems Training License” which is a voluntary, non-exclusive collective license designed to aid organizations that want to comply with copyright laws for the use of third-party content to train AI systems as well as the external use and certain outputs from trained models. “As a complement to direct licensing deals with rightsholders or as a standalone solution, CCC’s AI Systems Training License simplifies how organizations can legally obtain a consistent set of rights across a broad and growing repertory of works in publishing sectors such as science, technology, medicine, humanities, business, news and media.”⁴⁵

³⁹ “About Personal Digital Spaces (PDS)”, *Personal Digital Spaces*, <https://www.personaldigitalspaces.com/copy-of-projects>.

⁴⁰ “Turn Your Data Into Assets (Responsibly)”, *Personal Digital Spaces*, March 6, 2019, <https://www.personaldigitalspaces.com>.

⁴¹ “Enabling The Sustainable Information Economy,” *Personal Digital Spaces*, March 6, 2019, <https://www.personaldigitalspaces.com/mission>.

⁴² “Projects,” *Personal Digital Spaces*, March 6, 2019, <https://www.personaldigitalspaces.com/our-projects>.

⁴³ “AI, Copyright & Licensing,” *Copyright Clearance Center*, <https://www.copyright.com/resource-library/communities/ai-copyright-licensing/>; “Responsible AI Starts with Licensing,” *Copyright Clearance Center*, <https://www.copyright.com/>.

⁴⁴ “Responsible AI Starts with Licensing,” *Copyright Clearance Center*, <https://www.copyright.com/>.

⁴⁵ “CCC Announces AI Systems Training License for the External Use of Copyrighted Works Coming Soon,” *Copyright Clearance Center*, March 4, 2025, <https://www.copyright.com/media-press-releases/cc-announces-ai-systems-training-license-for-the-external-use-of-copyrighted-works-coming-soon/>.

Shutterstock

Shutterstock is a global provider of high-quality stock images, videos, music, and editorial content.⁴⁶ The company has actively engaged in the AI space by partnering with companies like OpenAI and LG to provide content for training AI models.⁴⁷

In October 2022, Shutterstock launched their AI-generated content capabilities which was aimed to compensate artists for their contributions “in an ethically responsible way.”⁴⁸ Shutterstock directly compensates contributors, “if their IP was used in the development of AI-generative models, like the OpenAI model, through licensing of data from Shutterstock’s library” through their Shutterstock Contributor Fund.⁴⁹ Shutterstock has 6 separate earning levels depending on download count which range from 15% to 40%⁵⁰ on average contributors “will earn a 20% average corporate royalty rate of revenue received by Shutterstock for data licenses.”⁵¹

Fairly Trained

Fairly Trained is a U.K.-based non-profit that is beginning to certify AI models that use only authorized or licensed works in their training sets.⁵² As of 2024, Fairly Trained has licensed fourteen models, most of which deal with music. However, the company has one licensed language model, KL3M, which is the world’s only certified clean foundational language model so far.⁵³

⁴⁶ “What is Shutterstock?” *Shutterstock*, https://support.shutterstock.com/s/article/What-is-Shutterstock?language=en_US.

⁴⁷ “AI-generated Content on Shutterstock: Contributor FAQ,” *Shutterstock*, April 18, 2024, https://support.submit.shutterstock.com/s/article/Shutterstock-ai-and-Computer-Vision-Contributor-FAQ?language=en_US.

⁴⁸ “AI-generated Content on Shutterstock: Contributor FAQ,” *Shutterstock*, April 18, 2024, https://support.submit.shutterstock.com/s/article/Shutterstock-ai-and-Computer-Vision-Contributor-FAQ?language=en_US.

⁴⁹ “AI-generated Content on Shutterstock: Contributor FAQ,” *Shutterstock*, April 18, 2024, https://support.submit.shutterstock.com/s/article/Shutterstock-ai-and-Computer-Vision-Contributor-FAQ?language=en_US.

⁵⁰ “How much will I be paid as a contributor to Shutterstock,” *Shutterstock*, June 3, 2020, https://support.submit.shutterstock.com/s/article/How-much-will-I-be-paid-as-a-contributor-to-Shutterstock?language=en_US.

⁵¹ “Shutterstock Data Licensing and the Contributor Fund,” *Shutterstock*, October 24, 2024, https://support.submit.shutterstock.com/s/article/Shutterstock-Data-Licensing-and-the-Contributor-Fund?language=en_US.

⁵² Nawotka, Ed, “Unethical AI Training Harms Creators and Society, Argues AI Pioneer,” *Publishers Weekly*, April 10, 2025, <https://www.publishersweekly.com/pw/by-topic/digital/conferences/article/97528-unethical-ai-training-harms-creators-and-society-argues-ai-pioneer.html>; “Momentum Continues for Licensed Training Data,” *Calliope Networks*, March 26, 2024, <https://calliopenetworks.ai/f/momentum-continues-for-licensed-training-data>.

⁵³ “Momentum Continues for Licensed Training Data,” *Calliope Networks*, March 26, 2024, <https://calliopenetworks.ai/f/momentum-continues-for-licensed-training-data>.

Linkup

Linkup, a French startup, developed a “marketplace” for AI content licensing which “offers a reliable alternative to scraping by facilitating partnerships between content creators and companies that produce AI models.” The marketplace serves to enable businesses to access high-quality, legally acquired content, thereby safeguarding their operations and promoting ethical AI development.⁵⁴ Linkup signs content licensing deals with publishers and integrates with their system so that it can fetch content from publishers without any scraping. Linkup then pays content partners based on how often their content is accessed by clients.⁵⁵ Notably, the Linkup website highlights its’ partners, including The World Bank, Societe, The Bridge Chronicle, and Banque de France.⁵⁶

Linkup raised a €3 million seed round in 2024 from Axeleo Capital, Motier Ventures, Seedcamp, and a hundred business angels.⁵⁷

Dappier

Dappier is a provider of AI-powered content discovery and monetization solutions. Austin-based Dappier operates a marketplace through which publishers can make their content available to developers for use in AI projects, simplifying the more technical tasks involved in making data available for AI projects. Dappier offers prepackaged data models that automate the task of organizing and inputting data into neural networks. Datasets are provided under a pay-as-you-go pricing model in which customers are charged per query, which is set by the publisher that created the dataset being accessed.⁵⁸

In June 2024, Dappier announced it raised \$2 million in seed funding, led by early-stage venture capital firm Silverton Partners.⁵⁹

⁵⁴ Thistlethwaite, Everett, “Linkup Builds Marketplace for AI Content Licensing,” *Times of Innovation*, December 2, 2024, <https://timesofinnovation.com/news/linkup-builds-marketplace-for-ai-content-licensing/>; Escárzaga, Antonio L., “Paris-based Linkup raises €3 million aiming to revolutionise ethical and efficient web access for AI,” *EU-Startups*, <https://www.eu-startups.com/2024/11/paris-based-linkup-raises-e3-million-aiming-to-revolutionise-ethical-and-efficient-web-access-for-ai/>.

⁵⁵ Dillet, Romain, “Linkup connects LLMs with premium content sources (legally),” *Tech Crunch*, November 28, 2024, <https://techcrunch.com/2024/11/28/linkup-connects-llms-with-premium-content-sources-legally/>.

⁵⁶ “Our Sources,” *Linkup.so*, <https://www.linkup.so/content-partners>.

⁵⁷ Dillet, Romain, “Linkup connects LLMs with premium content sources (legally),” *Tech Crunch*, November 28, 2024, <https://techcrunch.com/2024/11/28/linkup-connects-llms-with-premium-content-sources-legally/>.

⁵⁸ Deutscher, Maria, “Dappier raises \$2M in seed funding for its AI data marketplace,” *Silicon Angle*, June 26, 2024, <https://siliconangle.com/2024/06/26/dappier-raises-2m-seed-funding-ai-data-marketplace/>.

⁵⁹ Deutscher, Maria, “Dappier raises \$2M in seed funding for its AI data marketplace,” *Silicon Angle*, June 26, 2024, <https://siliconangle.com/2024/06/26/dappier-raises-2m-seed-funding-ai-data-marketplace/>.

Defined.ai

Seattle-based Defined.ai, founded in 2015, hosts a data marketplace that is collected and managed with the highest ethical standards, ensuring that the development of AI solutions is responsible and fair.⁶⁰ The Defined.ai portfolio includes exclusive data from Defined.ai's unique Neevo platform, a wide selection of non-exclusive data via the advanced marketplace, and a conversational AI solution, Accelerat.ai.⁶¹

Defined.ai licenses data to a range of companies including Google, Meta, Apple, Amazon, and Microsoft. According to CEO Daniela Braga, "[r]ates vary by buyer and content type, but...companies are generally willing to pay \$1 to \$2 per image, \$2 to \$4 per short-form video and \$100 to \$300 per hour of longer films."⁶² She added that the market rate for text is \$0.001 per word. The company then splits those earnings with content providers. Defined.ai It obtains consent from people whose data it uses and strips out personally identifiable information.⁶³

ScalePost

ScalePost is a platform designed to connect publishers with AI companies for content licensing, revenue sharing, and other AI tools. It provides a secure marketplace where AI companies can access high-quality, verified content tailored to their specific needs, while allowing publishers to monetize content and maintain control over the content's usage. The platform fosters partnerships between data providers and AI developers, enhancing the availability of and quality of licensed data.⁶⁴

Goodrights

Goodrights is a boutique agency specialized in brokering partnerships between IP owners and today's leading AI companies. Goodrights employs "experts in usage rights, licensing, AI model training, video supply chain, and IP software solutions" and works on behalf of its clients "to source revenue opportunities, unlock innovation, and protect IP in today's rapidly evolving technology landscape."⁶⁵ The firm supports dozens of content categories, including but not limited to news, editorial publishing, business management, education, finance, and entertainment.⁶⁶

⁶⁰ "About Us," *Defined.ai*, https://www.defined.ai/?trk=products_details_guest_secondary_call_to_action.

⁶¹ "About Us," *Defined.ai*, https://www.defined.ai/?trk=products_details_guest_secondary_call_to_action.

⁶² Paul, Katie and Tong, Anna, "Inside Big Tech's underground race to buy AI training data," *Reuters*, April 5, 2024, <https://www.reuters.com/technology/inside-big-techs-underground-race-buy-ai-training-data-2024-04-05/>.

⁶³ Paul, Katie and Tong, Anna, "Inside Big Tech's underground race to buy AI training data," *Reuters*, April 5, 2024, <https://www.reuters.com/technology/inside-big-techs-underground-race-buy-ai-training-data-2024-04-05/>.

⁶⁴ "ScalePost," *ScalePost*, <https://www.scalepost.ai/>; "Your AI, Our Partnership," *ScalePost*, <https://www.scalepost.ai/for-ai>.

⁶⁵ "About Us," *Goodrights*, <https://www.goodrights.com/about>.

⁶⁶ "Dozens of content categories supported," *Goodrights*, <https://www.goodrights.com/>.

Trainspot

Trainspot, a San Francisco-based company, is a marketplace that enables fair and seamless licensing of quality data for AI training. It connects app builders with data owners of legally-sourced, high-quality data.

⁶⁷ The company's goal is to help with training, fine-tuning, and for improving accuracy with techniques like retrieval augmented generation.⁶⁸

The co-founders describe Trainspot as “the Spotify equivalent for training data after the Napster era,” or “it’s like eBay when it comes to a two-sided marketplace where goods are easily sold and bought.”⁶⁹

Valyu

Valyu is a “data licensing and attribution platform that connects data providers with ML engineers looking for diverse, high-quality datasets for training models.”⁷⁰ It helps rights holders process, document, repackage, value, and publish their content to Valyu’s platform for and offer it for license to AI companies. The platform provides flexibility in that rights holders can opt-in or opt-out of use cases and easily license and monitor content usage by AI.⁷¹

⁶⁷ “Why Trainspot,” *Trainspot*, <https://www.trainspot.ai>; Swant, Marty, “This startup is creating an AI training data marketplace to help creators and companies buy and sell licensed content,” *Digiday*, October 29, 2024, <https://digiday.com/media/this-startup-is-creating-an-ai-training-data-marketplace-to-help-creators-and-companies-buy-and-sell-licensed-content/>.

⁶⁸ Swant, Marty, “This startup is creating an AI training data marketplace to help creators and companies buy and sell licensed content,” *Digiday*, October 29, 2024, <https://digiday.com/media/this-startup-is-creating-an-ai-training-data-marketplace-to-help-creators-and-companies-buy-and-sell-licensed-content/>.

⁶⁹ Swant, Marty, “This startup is creating an AI training data marketplace to help creators and companies buy and sell licensed content,” *Digiday*, October 29, 2024, <https://digiday.com/media/this-startup-is-creating-an-ai-training-data-marketplace-to-help-creators-and-companies-buy-and-sell-licensed-content/>.

⁷⁰ “For Rights Holders,” *Valyu*, <https://www.valyu.network/publishers>.

⁷¹ “For Rights Holders,” *Valyu*, <https://www.valyu.network/publishers>.

Appendix 5

*Bartz et al. v. Anthropic PBC***LIST OF AI LICENSING DEALS FOR TEXTUAL WORKS TO BE USED AS TRAINING DATA
& CUMULATIVE DISPLAY OF DEALS BY PERIOD [1]**

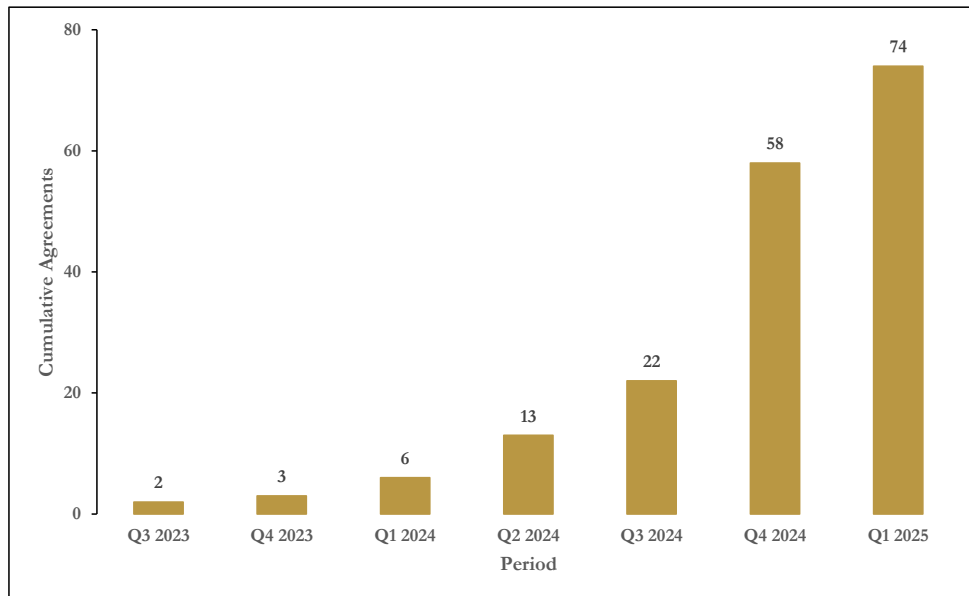
Appendix 5

			Announcement				Announcement	
	Licensee	Content Owner	Date		Licensee	Content Owner	Date	
[2]	Amazon	The Associated Press	2/25/2025	[25]	OpenAI	TIME	6/27/2024	
[2]	Amazon	Business Insider	2/25/2025	[13]	OpenAI	Vox Media	5/29/2024	
[2]	Amazon	Condé Nast	2/25/2025	[26]	Perplexity	Adweek	12/5/2024	
[2]	Amazon	Forbes	2/25/2025	[26]	Perplexity	The Independent	12/5/2024	
[2]	Amazon	Hearst	2/25/2025	[26]	Perplexity	The Los Angeles Times	12/5/2024	
[2]	Amazon	Politico	2/25/2025	[26]	Perplexity	Mexico News Daily	12/5/2024	
[2]	Amazon	Reuters	2/25/2025	[26]	Perplexity	Blavity	12/5/2024	
[2]	Amazon	Time	2/25/2025	[26]	Perplexity	NewsPicks	12/5/2024	
[2]	Amazon	USA Today	2/25/2025	[26]	Perplexity	Minkabu the Infonoid	12/5/2024	
[2]	Amazon	The Washington Post	2/25/2025	[26]	Perplexity	Gear Patrol	12/5/2024	
[2]	Amazon	Vox	2/25/2025	[26]	Perplexity	MediaLab	12/5/2024	
[3]	Dow Jones	The Associated Press	11/14/2024	[26]	Perplexity	DPReview	12/5/2024	
[3]	Dow Jones	The Wall Street Journal	11/14/2024	[26]	Perplexity	World History Encyclopedia	12/5/2024	
[3]	Dow Jones	The Washington Post	11/14/2024	[26]	Perplexity	NTV	12/5/2024	
[4]	Google	Reddit	2/22/2024	[26]	Perplexity	Stern	12/5/2024	
[5]	LexisNexis	The Associated Press	7/18/2024	[27]	Potato	Wiley	10/17/2024	
[6]	Meta	Reuters	10/25/2024	[28]	ProRata.ai	Adweek	12/9/2024	
[7]	Microsoft	Axel Springer	4/29/2024	[29]	ProRata.ai	The Atlantic	8/7/2024	
[8]	Microsoft	Financial Times	10/1/2024	[28]	ProRata.ai	Atlas Obscura	12/9/2024	
[9]	Microsoft	HarperCollins	11/20/2024	[28]	ProRata.ai	Arena Group	12/9/2024	
[8]	Microsoft	Hearst	10/1/2024	[29]	ProRata.ai	Axel Springer	8/7/2024	
[8]	Microsoft	Reuters	10/1/2024	[28]	ProRata.ai	Buzzfeed	12/9/2024	
[8]	Microsoft	USA Today	10/1/2024	[30]	ProRata.ai	DMG Media Group	11/20/2024	
[10]	Mistrial	Agence-France-Press	1/16/2025	[29]	ProRata.ai	Financial Times	8/7/2024	
[11]	OpenAI	American Journalism Project	7/18/2023	[29]	ProRata.ai	Fortune	8/7/2024	
[12]	OpenAI	The Associated Press	7/13/2023	[30]	ProRata.ai	Guardian Media Group	11/20/2024	
[13]	OpenAI	The Atlantic	5/29/2024	[30]	ProRata.ai	Hello!	11/20/2024	
[14]	OpenAI	Axel Springer	12/13/2023	[30]	ProRata.ai	Mediahuis	11/20/2024	
[15]	OpenAI	Axios	1/15/2025	[30]	ProRata.ai	Mumsnet	11/20/2024	
[16]	OpenAI	Condé Nast	8/19/2024	[31]	ProRata.ai	News/Media Alliance	3/26/2025	
[17]	OpenAI	Dotdash Meredith	5/7/2024	[30]	ProRata.ai	Prospect	11/20/2024	
[18]	OpenAI	Financial Times	4/29/2024	[30]	ProRata.ai	Reach PLC	11/20/2024	
[19]	OpenAI	GEDi	9/26/2024	[30]	ProRata.ai	Sky Media Group	11/20/2024	
[20]	OpenAI	Guardian Media Group	2/14/2025	[32]	Confidential	Taylor & Francis	7/29/2024	
[21]	OpenAI	Hearst	10/8/2024	[32]	Confidential	Wiley	7/29/2024	
[22]	OpenAI	Le Monde	3/13/2024	[1]	Confidential	Wiley	N/A	
[23]	OpenAI	News Corp	5/22/2024	[1]	Confidential	Wiley	N/A	
[22]	OpenAI	Prisa Media	3/13/2024	[1]	Confidential	Wiley	N/A	
[24]	OpenAI	Schibsted Media Group	2/10/2025					

*Bartz et al. v. Anthropic PBC***LIST OF AI LICENSING DEALS FOR TEXTUAL WORKS TO BE USED AS TRAINING DATA
& CUMULATIVE DISPLAY OF DEALS BY PERIOD [1]**

Appendix 5

	<u>Q3 2023</u>	<u>Q4 2023</u>	<u>Q1 2024</u>	<u>Q2 2024</u>	<u>Q3 2024</u>	<u>Q4 2024</u>	<u>Q1 2025</u>
Agreements in Period	2	1	3	7	9	36	16
Cumulative Agreements	2	3	6	13	22	58	74



Bartz et al. v. Anthropic PBC

**LIST OF AI LICENSING DEALS FOR TEXTUAL WORKS TO BE USED AS TRAINING DATA
& CUMULATIVE DISPLAY OF DEALS BY PERIOD [1]**

Appendix 5

Notes

- [1] A majority of the agreements listed have been sourced from the Amicus Brief filed by the Association of American Publishers in the class action lawsuit against Meta Platforms, see: Association of American Publishers, Amicus Curiae Brief in Support of Plaintiffs, Kadrey, et al., v. Meta Platforms, Inc., No. 3:23-cv-03417-VC (N.D. Cal. Apr. 11, 2025), p. 12; Additional Agreements come from the following sources, see: "Google strikes \$60 million deal with Reddit, allowing search giant to train AI models on human posts," CBS News, February 23, 2024, <https://www.cbsnews.com/news/google-reddit-60-million-deal-ai-training/> (Google and Reddit Agreement); Wigger, Kyle, "Perplexity expands its publisher program," TechCrunch, December 5, 2024, <https://techcrunch.com/2024/12/05/perplexity-expands-its-publisher-program/> (Perplexity's agreements with Mexico News Daily, Blavity, NewsPicks, Minkabu the Infonoid, Gear Patrol, MediaLab, DPReview, World History Encyclopedia, NTV and Stern).
- [2] "Condé Nast U.S. Brands To Be Part of Amazon's New Alexa AI Assistant Technology," *Condé Nast*, February 25, 2025, <https://m.condenast.com/news/conde-nast-amazon-alexa>,
- [3] "Dow Jones Launches Factiva Smart Summary," *The Digital Banker*, November 14, 2024, <https://thedigitalbanker.com/dow-jones-launches-factiva-smart-summary/>.
- [4] "Google strikes \$60 million deal with Reddit, allowing search giant to train AI models on human posts," *CBS News*, February 23, 2024, <https://www.cbsnews.com/news/google-reddit-60-million-deal-ai-training/>.
- [5] Kulp, Patrick, "LexisNexis taps news outlet deals for AI business research tool," *TechBrew*, July 18, 2024, <https://www.emergingtechbrew.com/stories/2024/07/18/lexisnexis-ai-news-outlet-deals-business-research>.
- [6] Fischer, Sara, "Scoop: Meta strikes multi-year AI deal with Reuters," *Axios*, October 25, 2024, <https://www.axios.com/2024/10/25/meta-reuters-ai-news-facebook-instagram>.
- [7] "Axel Springer and Microsoft expand partnership across advertising, AI, content and Azure services," *Microsoft*, April 29, 2024, <https://news.microsoft.com/2024/04/29/axel-springer-and-microsoft-expand-partnership-across-advertising-ai-content-and-azure-services/>.
- [8] Wiggers, Kyle, "Microsoft starts paying publishers for content surfaced by Copilot," *TechCrunch*, October 1, 2024, <https://techcrunch.com/2024/10/01/microsoft-starts-paying-publishers-for-content-in-copilot/>.
- [9] Tremayne-Pengelly, Alexandra, "HarperCollins Is Asking Its Authors to Sell Books for A.I. Training," *Observer*, November 20, 2024, <https://observer.com/2024/11/harpercollins-asking-authors-sell-books-ai-training/>.
- [10] Dillet, Romain, "Mistral signs deal with AFP to offer up-to-date answers in Le Chat," *TechCrunch*, January 16, 2025, <https://techcrunch.com/2025/01/16/mistral-signs-deal-with-afp-to-offer-up-to-date-answers-in-le-chat/>.
- [11] "OpenAI partners with American Journalism Project to support local news," *Reuters*, July 18, 2023, <https://www.reuters.com/business/media-telecom/openai-partners-with-american-journalism-project-support-local-news-2023-07-18/>.
- [12] O'Brien, Matt, "ChatGPT-maker OpenAI signs deal with AP to license news stories," *Associated Press*, July 13, 2023, <https://apnews.com/article/openai-chatgpt-associated-press-ap-f86f84c5bcc2f3b98074b38521f5f75a>.
- [13] David, Emilia, "Vox Media and The Atlantic sign content deals with OpenAI," *The Verge*, May 29, 2024, <https://www.theverge.com/2024/5/29/24167072/openai-content-copyright-vox-media-the-atlantic>.
- [14] David, Emilia, "Politico, Business Insider parent Axel Springer inks deal with OpenAI," *The Verge*, December 13, 2023, <https://www.theverge.com/2023/12/13/23999861/openai-axel-springer-chatgpt-ai-content-insider-politico>.
- [15] "Konstantinovic, Daniel, "OpenAI to fund four Axios newsrooms in content licensing deal," *EMarketer*, January 15, 2025, <https://www.emarketer.com/content/openai-fund-four-axios-newsrooms-content-licensing-deal>.
- [16] Lynch, Roger, "Condé Nast Announces Partnership with OpenAI," *Condé Nast*, August 19, 2024, <https://www.condenast.com/news/conde-nast-openai-partnership>.
- [17] "Dotdash Meredith Announces Strategic Partnership with OpenAI, Bringing Iconic Brands and Trusted Content to ChatGPT," *Dotdash meredith*, May 7, 2024, <https://dotdashmeredith.mediaroom.com/2024-05-07-Dotdash-Meredith-Announces-Strategic-Partnership-with-OpenAI,-Bringing-Iconic-Brands-and-Trusted-Content-to-ChatGPT>.
- [18] Lomas, Natasha, "OpenAI inks strategic tie-up with UK's Financial Times, including content use," *TechCrunch*, <https://techcrunch.com/2024/04/29/openai-inks-strategic-tie-up-with-uks-financial-times-including-content-use/>.
- [19] "OpenAI and GEDI announce strategic partnership to bring Italian-language news content to ChatGPT," *GEDI*, September 26, 2024, https://www.gedi.it/sites/default/files/documents/2024-09/PR%20GEDI%20and%20OpenAI%20announce%20partnership%20-%20ENG_2.pdf
- [20] "Guardian Media Group announces strategic partnership with OpenAI," *The Guardian*, February 14, 2025, <https://www.theguardian.com/gnm-press-office/2025/feb/14/guardian-media-group-announces-strategic-partnership-with-openai>.
- [21] "Hearst and OpenAI Announce Strategic Content Partnership," *Hearst*, October 8, 2024, <https://www.hearst.com/-/hearst-and-openai-announce-strategic-content-partnership>.

Bartz et al. v. Anthropic PBC

**LIST OF AI LICENSING DEALS FOR TEXTUAL WORKS TO BE USED AS TRAINING DATA
& CUMULATIVE DISPLAY OF DEALS BY PERIOD [1]**

Appendix 5

Notes

- [22] "OpenAI partners with Le Monde and Prisa Media," *France 24*, March 14, 2024, <https://www.france24.com/en/live-news/20240314-openai-partners-with-le-monde-and-prisa-media>.
- [23] "News Corp and OpenAI Sign Landmark Multi-Year Global Partnership," *News Corp*, May 22, 2024, <https://investors.newscorp.com/news-releases/news-release-details/news-corp-and-openai-sign-landmark-multi-year-global-partnership>.
- [24] "Schibsted Media partners with OpenAI," *Schibsted*, February 10, 2025, <https://schibstedmedia.com/news/schibsted-media-partners-with-openai>.
- [25] "TIME and OpenAI Announce Strategic Content Partnership," *Time*, 6/27/2024, <https://time.com/6992955/time-and-openai-announce-strategic-content-partnership/>.
- [26] Wigger, Kyle, "Perplexity expands its publisher program," *TechCrunch*, December 5, 2024, <https://techcrunch.com/2024/12/05/perplexity-expands-its-publisher-program/>.
- [27] Milliot, Jim, "Wiley Creates AI Partnership Program," *Publishers Weekly*, October 17, 2024, <https://www.publishersweekly.com/pw/by-topic/industry-news/industry-deals/article/96248-wiley-creates-ai-partnership-program.html>.
- [28] "ProRata Announces Gist.ai, New AI Search Engine Based Entirely on High-Quality Licensed Content," *Business Wire*, December 9, 2024, <https://www.businesswire.com/news/home/20241209071998/en/ProRata-Announces-Gist.ai-New-AI-Search-Engine-Based-Entirely-on-High-Quality-Licensed-Content>.
- [29] Tobitt, Charlotte, "FT, Atlantic, Axel Springer and Fortune get behind AI start-up's per-use compensation plan," *PressGazette*, August 7, 2024, <https://pressgazette.co.uk/news/prorata-ai-publisher-deals-financial-times-axel-springer-fortune-atlantic/>.
- [30] "Major UK Media Organizations Join ProRata's Movement to Credit and Compensate Content Owners in the Age of Generative AI," *Business Wire*, November 20, 2024, <https://www.businesswire.com/news/home/20241119176784/en/Major-UK-Media-Organizations-Join-ProRatas-Movement-to-Credit-and-Compensate-Content-Owners-in-the-Age-of-Generative-AI>.
- [31] Quigley, Sam, "News/Media Alliance Announces AI Licensing Partnership with ProRata," News/Media Alliance, March 26, 2025, <https://www.newsmediaalliance.org/prorata-licensing-partnership/>.
- [32] "Dutton, Christa, "Two Major Academic Publishers Signed Deals With AI Companies. Some Professors Are Outraged." *Chronicle*, July 29, 2024, <https://www.chronicle.com/article/two-major-academic-publishers-signed-deals-with-ai-companies-some-professors-are-outraged>.