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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

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

Action Filed: August 19, 2024

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

Date: May 15, 2025

Time: 8:00 a.m.

Place: Courtroom 12, 19th Floor

Judge: Honorable William H. Alsup

Pursuant to Civil Local Rule 79-5, Defendant Anthropic PBC (“Anthropic”) moves to maintain under seal certain documents that are the subject of Plaintiffs’ Administrative Motions to Consider Whether Another Party’s Material Should Be Sealed (ECF Nos. 152 and 157), including the Declaration of Collin Fredricks in Support of Plaintiffs’ Opposition to Anthropic’s Motion for Summary Judgment, the Declaration of Ben Y. Zhao, the Declaration of James E. Malackowski, Fredricks Decl. Exhibits 1-4, 6, 8, 12-17, 19-22, 26-33, 35-38, 43, 46, and Plaintiffs’ Opposition to Anthropic’s Motion for Summary Judgment. These documents reflect and reveal highly confidential, nonpublic Anthropic business and technical information.

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

I. LEGAL STANDARD

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

The Ninth Circuit also recognizes that preventing the release of proprietary information and/or trade secrets is a compelling reason that overrides this strong presumption. *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011) (“The publication of materials that could result in infringement upon trade secrets has long been considered a factor that would overcome this strong presumption.”). Examples of what might constitute a compelling reason to seal include “sources of business information that might harm a litigant’s competitive standing.” *Ctr. for Auto Safety*, 809

F.3d at 1097 (quoting *Nixon v. Warner Commc 'ns, Inc.*, 435 U.S. 589, 598-99 (1978)); *U.S. Ethernet Innovations, LLC v. Acer, Inc.*, 2014 WL 6664621, at *1 (N.D. Cal. Nov. 24, 2014) (finding compelling reasons to seal “proprietary literature describing the structure, configuration, and operation of the ... technology”); *Guzik Tech. Enters., Inc. v. W. Digit. Corp.*, 2013 WL 6092852, at *11-12 (N.D. Cal. Nov. 19, 2013) (granting motion to seal confidential information regarding the plaintiff’s technology where the disclosure of that information would harm the plaintiff’s competitive standing).

II. THERE ARE COMPELLING REASONS TO SEAL

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

In particular, as set forth in the Gillotte Sealing Declaration, the information that Anthropic seeks to seal comprises highly confidential and trade secret information regarding Anthropic’s internal business strategies and AI training processes, including competitively sensitive details about the acquisition, development, training, and costs of Anthropic’s models. Gillotte Sealing Decl. ¶ 3.¹ This includes, for example, internal assessments of how Anthropic values different categories and sources of data for model training. *Id.* ¶ 4.² This information also reveals the specific sources, categories, and contents of data that are combined to train Anthropic’s generative AI models as well as research and development techniques to assess the performance and technological value of certain types of data categories for use in model training. *Id.* ¶¶ 5-7.³ Lastly, the information also reveals

¹ See also ECF Nos. 119-2 (3/27/2025 Declaration of Jared Kaplan in Support of Defendant Anthropic PBC’s Administrative Motion to Seal) ¶ 3, 137-1 (4/03/2025 Declaration of Jared Kaplan in Support of Defendant Anthropic PBC’s Administrative Motion to Seal) ¶ 3, 146-1 (4/17/2025 Declaration of Jared Kaplan in Support of Defendant Anthropic PBC’s Administrative Motion to Seal) ¶ 3.

² See also ECF Nos. 119-2 ¶ 4, 137-1 ¶ 4, 146-1 ¶ 4.

³ See also ECF Nos. 119-2 ¶¶ 5-6, 8, 137-1 ¶¶ 5-6, 8, 146-1 ¶¶ 5-6.

1 confidential business strategies for the acquisition of content and the cost of acquiring content. *Id.*
2 ¶ 8.⁴ Anthropic limits disclosure of this information. *Id.* ¶¶ 3-8.⁵ Public disclosure would create a
3 significant risk of competitive harm for Anthropic because competitors could utilize it to modify
4 their own business strategies, methods of researching the value of different data types, and technical
5 practices in order to gain a competitive advantage over Anthropic. *Id.*⁶ Such harm could not be
6 avoided by less restrictive means than the narrowly tailored sealing of these documents.

7 Anthropic has also sought to seal the narrowest portions of this information as possible, and
8 Anthropic originally designated each of these documents and materials under the Protective Order.
9 It seeks to seal only the following information:

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27 ⁴ See also ECF Nos. 119-2 ¶ 7, 137-1 ¶ 7, 146-1 ¶ 7.

28 ⁵ See also ECF Nos. 119-2 ¶¶ 3-8, 137-1 ¶¶ 3-8, 146-1 ¶¶ 3-7.

⁶ See also ECF Nos. 119-2 ¶¶ 3-8, 137-1 ¶¶ 3-8, 146-1 ¶¶ 3-7.

Document	Portions to Seal
Plaintiffs' Opposition to Anthropic's Motion for Summary Judgment	Portions highlighted in orange at i:7, 1:16-19, 1:23-25, 2:26-3:3, 3:5-7, 3:10-4:4, 4:6-13, 4:15-17, 4:19-21, 4:25-26, 5:1-3, 5:5-7, 5:11-12, 5:14-15, 5:1 n.4, 8:2-3, 8:5-7, 11:3-8, 12:24-13:2, 12:24 n.6, 13:3 n.7, 13:25, 14:9, 15:1-6, 15:10-11, 16:17, 17:19-22, 17:27-28, 20:26-21:1, 23:18-20
Declaration of Ben Y. Zhao	Portions highlighted in orange at p. 2 & ¶¶ 8-9, 14, 16-30, 32-36, 55, 57, 67 n.7, 69, 72-76, 79-81, 83, 85, 88-90
Declaration of James E. Malackowski	Portions highlighted in orange at ¶¶ 17-19, 34, 43, 47, 50, 52, 54-55, 63-65
Declaration of Collin Fredricks	Portions highlighted in orange at ¶¶ 4, 25, 30, 40, 47
Fredricks Decl. Exhibit 1: Bates numbered ANT_BARTZ_000003439-3440	Entirety of the document
Fredricks Decl. Exhibit 2: Bates numbered ANT_BARTZ_000004915-4920	Entirety of the document
Fredricks Decl. Exhibit 3: Bates numbered ANT_BARTZ_000003433-3436	Entirety of the document
Fredricks Decl. Exhibit 4: Bates numbered ANT_BARTZ_000168435-8443	Entirety of the document
Fredricks Decl. Exhibit 6: Anthropic PBC's Objections and Responses to Plaintiffs' Fourth Set of Interrogatories	Portions highlighted in yellow at 3:9, 4:4-12
Fredricks Decl. Exhibit 8: Bates numbered ANT_BARTZ_000389776	Entirety of the document

Document	Portions to Seal
Fredricks Decl. Exhibit 12: Bates numbered ANT_BARTZ_000391318-20	Entirety of the document
Fredricks Decl. Exhibit 13: Bates numbered ANT_BARTZ_000534120-22	Entirety of the document
Fredricks Decl. Exhibit 14: ANT_BARTZ_000389778- 81	Entirety of the document
Fredricks Decl. Exhibit 15: Bates numbered ANT_BARTZ_000003386-3414	Entirety of the document
Fredricks Decl. Exhibit 16: Bates numbered ANT_BARTZ_000533972-3980	Entirety of the document
Fredricks Decl. Exhibit 17: excerpts of the Deposition of Jared Kaplan	Entirety of the document
Fredricks Decl. Exhibit 19: Bates numbered ANT_BARTZ_000394794	Entirety of the document
Fredricks Decl. Exhibit 20: Bates numbered ANT_BARTZ_000391435-1443	Entirety of the document
Fredricks Decl. Exhibit 21: Bates numbered ANT_BARTZ_000005492	Entirety of the document
Fredricks Decl. Exhibit 22: excerpts of the Deposition of Tom Turvey	Entirety of the document
Fredricks Decl. Exhibit 26: Bates numbered ANT_BARTZ_000146048	Entirety of the document
Fredricks Decl. Exhibit 27: Bates numbered ANT_BARTZ_000002604	Portions highlighted in yellow
Fredricks Decl. Exhibit 28: Bates numbered ANT_BARTZ_000006294-6296	Entirety of the document

Document	Portions to Seal
Fredricks Decl. Exhibit 29: Bates numbered ANT_BARTZ_000032229-2234	Entirety of the document
Fredricks Decl. Exhibit 30: Anthropic PBC's Objections and Responses to Plaintiffs' Second Set of Interrogatories	Portions highlighted in yellow at 3:20-24; 4:20-24, 27-28; 5:3, 14, 17, 19-21; 7:21-28; 8:1-2, 5-7, 14, 18-23; 9:7-19, 22, 25; 10:10-12
Fredricks Decl. Exhibit 31: Bates numbered ANT_BARTZ_000035587-5591	Entirety of the document
Fredricks Decl. Exhibit 32: Bates numbered ANT_BARTZ_000139989	Entirety of the document
Fredricks Decl. Exhibit 33: Bates numbered ANT_BARTZ_000184285-4333	Entirety of the document
Fredricks Decl. Exhibit 35: Bates numbered ANT_BARTZ_000029063-9171	Entirety of the document
Fredricks Decl. Exhibit 36: Bates numbered ANT_BARTZ_000006228-6229	Entirety of the document
Fredricks Decl. Exhibit 37: Anthropic PBC's Objections and Responses to Plaintiffs' Third Set of Interrogatories	Portions highlighted in yellow at 3:23-24; 4:7, 10-5:2; 6:13-20; 6:22-23; 7:8-13
Fredricks Decl. Exhibit 38: Bates numbered ANT_BARTZ_000004895	Entirety of the document
Fredricks Decl. Exhibit 43: Bates numbered ANT_BARTZ_000415587-5589	Entirety of the document
Fredricks Decl. Exhibit 46: true and correct copy of a handout provided by Anthropic PBC at the Deposition of Pranay Sangani	Entirety of the document

1 **III. CONCLUSION**

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

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5 Dated: May 1, 2025

Respectfully submitted,

6 **ARNOLD & PORTER KAYE SCHOLER LLP**

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

9 *Attorneys for Defendant*
10 ANTHROPIC PBC

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years and not a party to the within-entitled action; my business address is Three Embarcadero Center, Tenth Floor, San Francisco, California 94111-4024. On May 1, 2025, the foregoing **DEFENDANT ANTHROPIC PBC's ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL**., and exhibits thereto were electronically served on the following:

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18 I declare under penalty of perjury under the laws of the State of California and the United
19 States of America that the foregoing is true and correct. Executed May 1, 2025 at San Francisco,
20 California.

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SHERRI MILLS