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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, and portions thereof, that are the subject of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (ECF No. 171), including Plaintiffs’ Reply in Support of Class Certification, the Declaration of Jacob S. Miller in Support of Plaintiffs’ Reply in Support of Class Certification (“Miller Decl.”), and Miller Decl. Exhibits 40-47, 49 and 50. 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.<sup>1</sup> This includes, for example, internal assessments of how Anthropic values different categories and sources of data for model training. *Id.* ¶ 4.<sup>2</sup> 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.<sup>3</sup> Lastly, the information also reveals confidential business strategies for the acquisition of content and the cost of acquiring content. *Id.*

<sup>1</sup> 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.

<sup>2</sup> See also ECF Nos. 119-2 ¶ 4, 137-1 ¶ 4, 146-1 ¶ 4.

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

1 ¶ 8.<sup>4</sup> Anthropic limits disclosure of this information. *Id.* ¶¶ 3-8.<sup>5</sup> Public disclosure would create a  
2 significant risk of competitive harm for Anthropic because competitors could utilize it to modify  
3 their own business strategies, methods of researching the value of different data types, and technical  
4 practices in order to gain a competitive advantage over Anthropic. *Id.*<sup>6</sup> Such harm could not be  
5 avoided by less restrictive means than the narrowly tailored sealing of these documents.

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

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

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

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

| Document                                                                                                          | Portions to Seal                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Plaintiffs' Reply in Support of Class Certification                                                               | Portions highlighted in <b>orange</b> at 1:4, 1:6, 3:23, 4:27-28, 5:3-4, 10:11-12, 10:15-16, 10:19-20, 10:23-28, 11:1-2, 11:10-11, 11:16-17, 11:26 |
| Declaration of Jacob S. Miller in Support of Plaintiffs' Reply in Support of Class Certification ("Miller Decl.") | Portions highlighted in <b>orange</b> at ¶¶ 6-7                                                                                                    |
| Miller Decl. Exhibit 40: Bates numbered ANT_BARTZ_000004895-98                                                    | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 41: Bates numbered ANT_BARTZ_000004899-90                                                    | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 42: Bates numbered ANT_BARTZ_000184269-84                                                    | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 43: Bates numbered ANT_BARTZ_000227005-06                                                    | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 44: Bates numbered ANT_BARTZ_000389147-205                                                   | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 45: Bates numbered ANT_BARTZ_000365927-366136                                                | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 46: Bates numbered ANT_BARTZ_000533421-22                                                    | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 47: Bates numbered ANT_BARTZ_000389522-39                                                    | Entirety of the document                                                                                                                           |
| Miller Decl. Exhibit 49: Excerpts of Deposition Mycal Tucker                                                      | Portions highlighted in <b>yellow</b> at 69:4-15, 69:17-71:5, 71:7-12, 71:15-21, 71:23-24, 75:1-22, 78:9-18, 78:20-79:4, 79:6-                     |

|                                                                   |                                                                                          |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|
|                                                                   | 7, 79:9-81:10, 81:12-14,<br>81:16-82:6, 82:8-12, 82:14-16,<br>82:18-19, 82:21-25         |
| Miller Decl. Exhibit 50: Excerpts of<br>Deposition of Mohit Iyyer | Portions highlighted in <b>yellow</b><br>at 23:19-20, 24:16, 25:8,<br>25:11-12, 25:14-15 |

### III. CONCLUSION

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

Dated: May 7, 2025

Respectfully submitted,

**ARNOLD & PORTER KAYE SCHOLER LLP**

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

*Attorneys for Defendant*  
ANTHROPIC PBC

**CERTIFICATE OF SERVICE**

I 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 7, 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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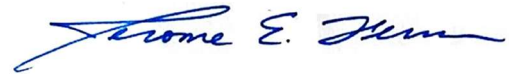
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18 I declare under penalty of perjury under the laws of the State of California and the United  
19 States of America that the foregoing is true and correct. Executed May 7, 2025 at San Francisco,  
20 California.

21 

22 JEROME FERRER