

# EXHIBIT 1

**From:** [Craig Smyser](#)  
**To:** [Gillotte, Jessica](#); [Anthropic PBC-AI-TT](#)  
**Cc:** [xServiceListAnthropic](#)  
**Subject:** Re: Bartz v. Anthropic - Follow up from M&C  
**Date:** Tuesday, July 22, 2025 7:35:37 PM  
**Attachments:** [image001.png](#)

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External E-mail

Jessica,

Thanks, we disagree as to the scanned books datasets, and, per our motion filed this evening, search terms, and RFPs 39, 43, and 100. We look forward to the update to RFP 16. We are also relying on Anthropic's representation on the meet and confer that it is not limiting or withholding documents on the basis of its "only commercial models" objections.

As to your proposal on the Tokens Formula Spreadsheet, we accept your proposal based on your representation below that you will be producing (1) "unredacted spreadsheets that contain datamix and other information related to models that are no longer, or never were, in production, which include all models that list Libgen and/or Pilimi datasets as part of the training mix" and (2) "redacted versions of more recent versions of the spreadsheets (redacting information relating to all models released since Claude 3 Haiku)." We are making this agreement in the spirit of compromise and we are happy to inform the court regarding the parties' agreement when the motion is heard.

Thanks,

Craig

**J. Craig Smyser | Susman Godfrey L.L.P.**

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**From:** "Gillotte, Jessica" <Jessica.Gillotte@arnoldporter.com>

**Date:** Monday, July 21, 2025 at 10:53 PM

**To:** "'bartz-ai-tt@simplelists.susmangodfrey.com'" <'bartz-ai-tt@simplelists.susmangodfrey.com'>

**Cc:** xServiceListAnthropic <xServiceListAnthropic@arnoldporter.com>

**Subject:** Bartz v. Anthropic - Follow up from M&C

EXTERNAL Email

Counsel,

Thank you for the meet and confer today. We are following up on a number of topics discussed.

### 1. Production of Scanned Books Dataset Outside Inspection Environment

You asked if Anthropic would withdraw its opposition to Plaintiffs' motion to compel the production of Anthropic's Scanned Books dataset outside of the inspection environment in light of the Court's Class Certification Order. Dkt. 244. In support of this request, you stated that you wanted to use Anthropic's Scanned Books datasets to assist Plaintiffs with identifying the books in Libgen and Pilimi by comparison to the Scanned Books datasets, such as via Dr. Zhao's hash methodology. When we asked why Plaintiffs could not do this ***in the inspection environment where those datasets have been available for months***, you responded (as before) that it was inconvenient for your expert, who needs to do unspecified "testing" of his methodology. We then offered to produce a limited sample of the Scanned Books dataset for testing outside of the inspection environment so that he could perform a validated hash just once within the inspection environment (an offer we first made several months ago), but you again declined the offer, saying that time was too short. It has now been over two months since Plaintiffs' expert last visited the inspection environment and there is no justification for Plaintiffs' delay in inspecting this data or for their refusal to accept sample data to progress the expert's methodology. As we made clear in our opposition, the Scanned Books dataset reflects highly sensitive and commercially valuable information. The class certification order does not change that. If anything, it makes clear that the Scanned Books dataset is **less** relevant to the facts at issue in this case.

### 2. Tokens Formula Spreadsheet

Separately, we have revised our position on the Tokens Formula Spreadsheet. Namely, we are willing to produce unredacted spreadsheets that contain datamix and other information related to models that are no longer, or never were, in production, which include all models that list Libgen and/or Pilimi datasets as part of the training mix. Therefore, we withdraw our opposition to Plaintiffs' motion (Dkt. 225) to that extent.

Because of the extremely commercially sensitive nature of the datamix and other information in the Tokens Formula Spreadsheet relating to current models that are in production, Anthropic maintains its objection to the production of the state-of-the-art formulas underlying the currently released Claude models outside of the inspection environment (which do not relate to Libgen or Pilimi). Anthropic will nonetheless produce redacted versions of more recent versions of the spreadsheets (redacting information relating to all models released since Claude 3 Haiku). To avoid any doubt, the complete version of every redacted document will be available in unredacted form in the inspection environment. Please let us know if this resolves the pending motion on this issue so that the parties may inform the Court that it need not address this topic.

### 3. Plaintiffs' Requests for Additional ESI Search Terms

We continue to object to Plaintiffs' addition of overbroad ESI search terms, particularly given the late stage of discovery. Indeed, Plaintiffs' continued insistence on adding new terms has already undermined Anthropic's ability to complete document production in advance of upcoming depositions. Plaintiffs cannot have it both ways—insisting on new ESI searches late in discovery while also demanding that all documents be produced before depositions. Anthropic has already agreed to search 27 priority search terms and 154 non-priority search terms for 21 ESI custodians, including adding more search terms as recently as July 11. Moreover, the most recent ESI terms that Plaintiffs insist on running will result in production of documents containing terms that are irrelevant, overbroad and/or are duplicative of other ESI terms to which the parties have already agreed, such as “discussions regarding copyrighted material,” “concerns regarding the same,” or “issues created by copyrighted data.”

| Disputed Term                                  | Objection                                                                                                                                                                            |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "replac*" W/5 ("writ*" OR "author*")           | Overbroad; irrelevant.                                                                                                                                                               |
| ("destr*" OR "eliminat*" OR "los*" W/3 "job*") | Overbroad; irrelevant.                                                                                                                                                               |
| Finch                                          | Overbroad                                                                                                                                                                            |
| "copyright*" W/5 subject                       | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms: <ul style="list-style-type: none"> <li>copyright W/10 panama</li> </ul> |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | <ul style="list-style-type: none"> <li>• “copyright” W/15 "the pile"</li> <li>• “copyright” W/15 Datamation</li> <li>• “copyright” W/10 "boilerplate"</li> <li>• “copyright” W/3 "delete"</li> <li>• “copyright” W/3 "remove"</li> <li>• "copyright" W/15 "prompt shield"</li> <li>• "copyright*" W/3 "book*"</li> <li>• copyright* W/3 "text*"</li> <li>• copyright* W/25 "scan*"</li> <li>• “copyright” W/5 deal</li> <li>• “copyright*” W/10 ("guardrail" OR "guardrails" OR "guard rail" OR "guard rails")</li> <li>• “copyright*” W/15 "regurg*"</li> <li>• “copyright*” W/15 "memoriz*"</li> <li>• “copyright*” W/10 "mitigat*"</li> <li>• “copyright*” W/10 "constrain*"</li> <li>• “copyright*” W/15 contract*</li> </ul> |
| "copyright*" W/5 "issue*"    | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms. See list above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| copyright* W/3 data          | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms. See list above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| "copyright*" W/5 "concern*"  | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms. See list above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| copyright* W/3 "work*"       | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms. See list above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| "infring*" W/10 "copyright*" | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms. See list above. Further, this search is duplicative of another agreed ESI term [“infring*” w/10 “book*”].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| copyright* W/3 "material*"   | Overbroad; duplicative of many other agreed-upon ESI terms where “copyright” is in proximity to other terms. See list above. Further, this search is duplicative of another agreed ESI term [“infring*” w/10 “book*”].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

#### 4. RFPs

- RFP 16 - “Documents Concerning or Relating to when Dario Amodei and Ben Mann became aware that copyrighted material was included in Your Training Data.”

Will we update the RFP response to clarify that we have agreed to and conducted a reasonable search and that we are not withholding documents responsive to this RFP.

- RFP 39 - “All minutes of meetings of Your board of directors, and Documents provided to Your board of directors, that Concern or Relate to Your training data; Your intention to commercialize, monetize, or productize Your LLMs; or projections regarding revenues or profits for particular products or for You as a whole.”

As discussed, this RFP is plainly overbroad as drafted in seeking all documents “provided to Your board of directors.” Moreover, Plaintiffs have offered no compromise position, e.g., limiting this request to board meeting minutes about the subjects listed above. Therefore, we maintain our objections to the request.

- RFP 43 - “Your balance sheet, income statement, and cash flow statement, on a monthly basis.”

We agree to produce income statements (on a monthly or quarterly basis, depending on Anthropic’s records). However, we still fail to see Plaintiffs’ need for balance sheets and cash flow statements, which are highly competitively sensitive documents, and Plaintiffs have attempted to justify this request only by vague references to a desire to understand a more “holistic” view of Anthropic’s finances. Therefore, we maintain our objections to the remainder of the request.

- RFP 100 - “Documents Concerning or Relating to Anthropic’s founding. Including the decision to incorporate Anthropic in Delaware.”

As discussed, this RFP is incredibly overbroad in seeking all documents “relating to Anthropic’s founding.” Moreover, in an effort to compromise, we have produced documents responsive to the decision to incorporate

Anthropic in Delaware, including Anthropic's Delaware Certificate of Incorporation from January 2021 (ANT\_BARTZ\_000544955) as well as the Public Benefit Mission Statement and the form of the Acknowledgement Agreement that was presented to investors as part of its Series A funding in May 2021 (ANT\_BARTZ\_000544965). Therefore, we maintain our objections to the remainder of the request.

Thanks,  
Jessica

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Jessica Gillotte  
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