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DR. DARIO AMODEI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC, PBC, DR. DARIO AMODEI,
AND BENJAMIN MANN,

Defendants.

Case No. 5:26-cv-00880-EKL-SVK

**DEFENDANT DR. DARIO AMODEI'S
NOTICE OF MOTION AND PARTIAL
MOTION TO DISMISS**

Judge: Hon. Eumi K. Lee
Date: November 4, 2026
Time: 10:00 AM
Courtroom: 7 – 4th Floor

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Please take notice that on November 4, 2026, at 10:00 AM, or as soon thereafter as the matter may be heard before the Honorable Eumi K. Lee, United States District Judge, at the United States Courthouse, 280 South First Street, San Jose, CA 95113, Courtroom 7, 4th Floor, Defendant Dr. Dario Amodei, by and through his attorneys of record, will and does hereby move to dismiss Count I of Plaintiffs' Amended Complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

The present motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, all pleadings and papers on file with the Court, any oral argument of counsel at the hearing, and any further papers or argument as may be submitted in connection with this motion.

Further, as required by Section VIII.A of the Court's Civil Standing Order, undersigned counsel certifies that on July 24, 2026, they met and conferred with Plaintiffs' counsel by videoconference to discuss the basis for this motion.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This is a straightforward motion to dismiss Plaintiffs’ claim of direct copyright infringement (“Count I”) as to Defendant Dr. Dario Amodei. In their Second Amended Complaint (“SAC”), Plaintiffs expend nearly 200 paragraphs to allege instances of unlawful copying (and thus, direct copyright infringement) by others. But the complaint asserts zero facts of any unlawful copying *by Dr. Amodei himself*. This alone dooms Plaintiffs’ direct infringement claim as to Dr. Amodei,¹ and the Court must dismiss that claim against him with prejudice.

II. FACTUAL BACKGROUND

The factual allegations and procedural history are partly set forth in co-defendant Anthropic, PBC’s pending motion to dismiss in part. The following adds other alleged facts, as pertinent to Dr. Amodei’s present motion.

In 2021, Dr. Amodei, co-defendant Benjamin Mann, and several others founded Anthropic. Dkt. No. 93 (“SAC”) ¶ 56. Anthropic develops and sells access to AI programs, by offering a suite of large language models referred to as “Claude.” *Id.* ¶¶ 56–57. Anthropic trains these models on “massive collections of text,” including from various online sources. *Id.*

Plaintiffs are music publishers who already sued Anthropic in a related matter still pending before this court, *Concord Music Group, Inc. et al. v. Anthropic, PBC*, 5:24-cv-03811-EKL-VK (N.D. Cal.) (“*Concord I*”).² SAC ¶ 46. Plaintiffs now bring the present follow-on lawsuit to allege, among other claims, that certain Defendants unlawfully copied Plaintiffs’ works by “torrenting” those works from pirate libraries and data sets. *See, e.g., id.* ¶¶ 69, 70, 73. According to the SAC, “torrenting” is a process of sharing files by breaking those files into pieces and then re-distributing those pieces among multiple users. *Id.* ¶ 65. “Torrenting” is the sole type of unlawful copying alleged to support Plaintiffs’ claim of direct copyright infringement against Dr. Amodei. *See id.* ¶ 139 (Count I labeled “Direct Copyright Infringement by Torrenting”); *id.* ¶¶ 140–146.

¹ This motion does not target the contributory infringement claim asserted against Dr. Amodei.

² Plaintiffs in both cases are a group of music publishers and their affiliates. This case includes the same plaintiffs as *Concord I* plus eleven affiliated entities, all represented by the same counsel.

1 **III. PROCEDURAL HISTORY**

2 On January 28, 2026, Plaintiffs sued Defendants. Dkt. No. 1. Specifically, as to Dr. Amodei,
3 Plaintiff's complaint only alleged one count of direct copyright infringement. *Id.* at 140–46. The parties
4 then stipulated to adjust Defendants' response deadline. Dkt. No. 50.

5 On March 24, 2026, undersigned counsel met and conferred with Plaintiffs' counsel by
6 videoconference. Yang Decl. ¶ 2. During that conference, undersigned counsel explained that Dr. Amodei
7 expected to bring a motion to dismiss the direct copyright infringement claim against him because the
8 complaint did not allege any facts showing that he himself had unlawfully copied Plaintiffs' works. Dkt.
9 No. 50; *see* Yang Decl. ¶ 2.

10 Shortly thereafter, Plaintiffs indicated that they would file an amended complaint. Yang Decl. ¶ 3.
11 Plaintiffs' First Amended Complaint ("FAC"), filed pursuant to stipulation on April 6, 2026, added a
12 contributory infringement claim (Count III) to the existing direct infringement claim (Count I), but did
13 not append any new facts supporting the latter. Dkt. No. 75 ¶¶ 140–146; 155–162. On May 20, the Court
14 granted the parties' stipulation to voluntarily dismiss Plaintiffs' vicarious infringement claim (Count IV),
15 after which Plaintiffs filed the now-operative SAC, removing Count IV and making no other changes. *See*
16 Dkt. Nos. 92, 93. While the SAC also asserts other claims against other Defendants in this matter, the
17 present motion only concerns the direct infringement claim against Dr. Amodei in Count I.

18 **IV. LEGAL STANDARD**

19 To avoid dismissal under Federal Rule of Civil Procedure 12(b)(6), a complaint must contain
20 sufficient facts, accepted as true, to state a plausible claim. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
21 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Although well-pleaded facts are presumed
22 to be true at this stage, the Court does not accept "allegations that are merely conclusory, unwarranted
23 deductions of fact, or unreasonable inferences" when deciding a motion to dismiss. *See Khoja v. Orexigen*
24 *Therapeutics, Inc.*, 899 F.3d 988, 1008 (9th Cir. 2018); *see Boulton v. Community.com, Inc.*, No. 23-3145,
25 2025 WL 314813, at *1 (9th Cir. Jan. 28, 2025) (same); *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049,
26 1055–1056 (9th Cir. 2008) (same).

1 **V. ARGUMENT**

2 **A. The Direct Copyright Infringement Claim Fails Because There Are No Allegations**
 3 **That Dr. Amodei Unlawfully Copied Plaintiffs' Works.**

4 In the SAC, Plaintiffs advance separate claims for both direct (Count I) and contributory (Count
 5 III) copyright infringement against Dr. Amodei. Their latest complaint, however, fails to allege *any* facts
 6 supporting direct infringement by Dr. Amodei. The Court should dismiss the unsupported claim and allow
 7 Plaintiffs' allegations against Dr. Amodei to advance under the only appropriate claim for relief:
 8 contributory infringement.

9 A claim of direct copyright infringement has two requirements: (1) ownership of a valid copyright
 10 and (2) unlawful copying. *Feist Publications, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991).
 11 "Contributory copyright infringement, in contrast to direct infringement, 'occurs where []one . . . with
 12 knowledge of the infringing activity, induces, causes or materially contributes to the infringing conduct
 13 of another.'" *BWP Media USA Inc. v. Hollywood Fan Sites, LLC*, 69 F. Supp. 3d 342, 355 (S.D.N.Y.
 14 2014) (quoting *Capitol Records, LLC v. ReDigi Inc.*, 934 F.Supp.2d 640, 658 (S.D.N.Y.2013)). "If
 15 Congress had meant to assign direct liability to both the person who actually commits a copyright-
 16 infringing act and any person who actively induces that infringement, [the Patent Act tells us that] it knew
 17 how to draft a statute that would have this effect." *Cartoon Network LP, LLP v. CSC Holdings, Inc.*, 536
 18 F.3d 121, 133 (2d Cir. 2008) ("The Patent Act, unlike the Copyright Act, expressly provides that someone
 19 who 'actively induces infringement of a patent' is 'liable as an infringer.'"). But Congress did not do so.
 20 And the Supreme Court has, in turn, recognized that "[t]he Copyright Act does not expressly render
 21 anyone liable for infringement committed by another," *Sony Corp. of Am. v. Universal City Studios, Inc.*,
 22 464 U.S. 417, 434 (1984), "strongly signal[ing] its intent to use the doctrine of contributory infringement,
 23 not direct infringement, to 'identify[] the circumstances in which it is just to hold one individual
 24 accountable for the actions of another," *Cartoon Network*, 536 F.3d at 133.

25 Lower courts have honored the Supreme Court's instruction. In *Routt v. Amazon.com, Inc.*, for
 26 example, the plaintiff sued Amazon for direct copyright infringement based on "unlawful copying not by
 27 Amazon, but by its [a]ssociates." No. C12-1307JLR, 2012 WL 5993516, at *4 (W.D. Wash. Nov. 30,
 28 2012). The court dismissed the direct infringement claim against Amazon because the complaint had

1 asserted only “conclusory, formulaic” allegations “with no specificity” regarding any copying by the
 2 company. *Id.* Likewise in *Willis*, the plaintiff’s claim for direct copyright infringement failed on a Rule
 3 12(b)(6) motion because other entities (rather than the defendants) had allegedly distributed and displayed
 4 the work in question. *See Willis v. Tennant*, No. 25-CV-491 TWR (DEB), 2025 WL 2978714, at *7 (S.D.
 5 Cal. Oct. 22, 2025). While the plaintiff claimed that the defendants had “engaged in acts” to infringe his
 6 rights, the court rejected those allegations as “conclusory statement[s]” insufficient to state a plausible
 7 claim. *Id.*

8 This Court must likewise enforce the fundamental distinction between direct and contributory
 9 infringement inherent in the Copyright Act and enumerated in the Supreme Court’s caselaw.

10 The direct infringement claim against Dr. Amodei is legally deficient because the SAC only alleges
 11 that ***other defendants*** “downloaded via torrenting” various “pirate libraries” and other datasets which
 12 supposedly contained Plaintiffs’ copyrighted works. *See*, SAC ¶¶ 60–65, 70–71, 95–96. ***But as to Dr***
 13 ***Amodei himself***, the SAC’s allegations, without exception, sound only in contributory infringement. The
 14 allegations that Dr. Amodei “directed” and “intentionally induced these infringements by Mr. Mann and
 15 other Anthropic employees,” SAC ¶ 157, only support the contributory infringement claim. *MGM Studios*
 16 *Inc. v. Grokster, Ltd.*, 545 U.S. 913, 930 (“One infringes contributorily by intentionally inducing or
 17 encouraging direct infringement”); *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1170 (9th Cir.
 18 2007) (“[C]ontributory liability . . . may be imposed for intentionally encouraging infringement through
 19 specific acts”); *Disney Enterprises, Inc. v. Hotfile Corp.*, 798 F. Supp. 2d 1303, 1308 (S.D. Fla. 2011)
 20 (holding that plaintiffs “failed to allege direct copyright infringement” where the complaint had alleged
 21 that defendants “encourage[d] the massive infringement” but “nothing in the complaint allege[d] that
 22 [defendants] took direct, volitional steps to violate the plaintiffs’ [copyrights]” by “upload[ing]
 23 copyrighted material”). The allegation that Dr. Amodei “understood” files downloaded by others to be
 24 “pirated,” (*see* SAC ¶ 73), or “knew” and was “fully aware” that others were “mak[ing] unlawful copies”
 25 (*see id.* ¶ 157), likewise goes to contributory infringement. *See Religious Tech. Ctr. v. Netcom On-Line*
 26 *Comm’n Servs., Inc.*, 907 F. Supp. 1361, 1372–74 (N.D. Cal. 1995) (holding that “knowledge is
 27 irrelevant” to, and insufficient to show, direct infringement; instead analyzing the issue under the
 28 appropriate contributory infringement framework). And the allegation that Dr. Amodei “discussed”

1 potential or actual infringement (*see* SAC ¶¶ 5, 63, 71, 73) concerns, at most, the knowledge prong of
 2 Plaintiffs’ contributory infringement claim.

3 Direct infringement, meanwhile, requires unlawful copying by Dr. Amodei himself. Paul
 4 Goldstein, *Goldstein on Copyright* § 9.1 (2026) (“To prove copying, the plaintiff must show directly or
 5 by inference that the defendant mechanically copied the plaintiff’s work, such as by photocopying it”).
 6 The SAC simply fails to do that as to Dr. Amodei. *See, e.g.*, SAC ¶ 74 (“At Dr. Amodei’s *direction* and
 7 with Dr. Amodei’s *express approval*, Mr. Mann *personally engaged in the illegal torrenting . . .*”) (emphasis added).
 8

9 Accordingly, the Court should allow Plaintiffs’ allegations against Dr. Amodei to proceed on the
 10 contributory infringement claim, but dismiss the unsupported direct infringement claim against him.

11 **B. The Court Should Dismiss the Direct Copyright Infringement Claim with Prejudice.**

12 Courts regularly dismiss claims with prejudice where the plaintiff already had an opportunity to
 13 cure a deficiency but failed to do so. *See Welgus v. TriNet Grp., Inc.*, No. 15-CV-03625-BLF, 2017 WL
 14 6466264, at *33 (N.D. Cal. Dec. 18, 2017), *aff’d*, 765 F. App’x 239 (9th Cir. 2019) (granting motion to
 15 dismiss without leave to amend, in part because “Plaintiff has evidenced a repeated failure to cure
 16 deficiencies by amendments previously allowed”).

17 Plaintiffs have had ample opportunity to plead facts sufficient to allege a direct contributory
 18 infringement claim against Dr. Amodei, but have failed to do so repeatedly. On March 24, 2026,
 19 undersigned counsel told Plaintiffs that their initial complaint failed to assert a viable direct copyright
 20 infringement claim against Dr. Amodei. Yang Decl. ¶ 2. Undersigned counsel further explained that the
 21 complaint lacked factual allegations about any unlawful copying by Dr. Amodei himself. Yang Decl. ¶ 2.
 22 Yet despite this notice, as well as access to a pre-existing fact record leveraged elsewhere in Plaintiffs’
 23 original complaint and two subsequent amendments thereto, Plaintiffs’ third try fares no better: the SAC
 24 still alleges no facts supporting the notion that Dr. Amodei torrented or otherwise copied Plaintiffs’ works.
 25 The Court should thus dismiss the direct copyright infringement claim against Dr. Amodei, with prejudice.

26 **VI. CONCLUSION**

27 For the reasons above, Dr. Amodei respectfully requests that the Court dismiss Count I of the SAC
 28 as to him.

1 Dated: August 3, 2026

Respectfully submitted,

2 **CONRAD | METLITZKY | KANE LLP**

3
4 /s/ Grace Yang

5 GRACE YANG

6 MIRANDA KANE

HAYK ESAGHOULYAN

7 *Attorneys for Defendant*

8 DR. DARIO AMODEI