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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC, ET AL.,

Defendant.

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

**ANTHROPIC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
ANTHROPIC'S USAGE DATA
INFORMATION**

Magistrate Judge Susan van Keulen

I. INTRODUCTION

Pursuant to Civil Local Rules (“L.R.”) 7-11 and 79-5(c), Defendant Anthropic PBC (“Anthropic”) respectfully submits this Administrative Motion to File Under Seal (“Motion”) in connection with the parties’ Joint Discovery Dispute Statement Regarding Anthropic’s Preservation of Prompt and Output Records and the Declaration of Sarah Rodriguez In Support Of Anthropic’s Position In Joint Discovery Dispute Statement Regarding Anthropic’s Preservation Of Prompt and Output Records, attached to Anthropic’s Administrative Motion for Leave to File (“Sealed Documents”). As set forth below, and in the Declaration of Natalie Naugle (“Naugle Declaration”) filed herewith, the Sealed Documents contain highly sensitive non-public information. Anthropic therefore respectfully requests that the Court enter an order to seal the information described below.

Pursuant to L.R. 79-5(c), this Motion is accompanied by the Naugle Declaration and a proposed order narrowly tailored to seal only the sealable material, which lists in table the portions of the document that are sought to be sealed. Anthropic has reviewed and complied with L.R. 79-5(c) and section VII.D of this Court’s Standing Order Re: Civil Cases (“Standing Order”).

II. LEGAL STANDARD

A party seeking to seal material is required to establish that the document, or portions thereof, are sealable. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178, 1182 (9th Cir. 2006). Filing under seal is justified where there are “compelling reasons sufficient to outweigh the public’s interest in disclosure,” *id.* at 1179 (internal citation and quotation marks omitted), including where the information at-issue “might be used ... ‘as [a] source[] of business information that might harm a litigant’s competitive standing,’” *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)), or where disclosure would cause a party to “suffer competitive harm[.]” *Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at *3 (N.D. Cal. Mar. 4, 2015). However, the Ninth Circuit has also “carved out an exception” for sealed materials attached to non-dispositive motions, such as those involving discovery, and other materials that are only “tangentially related to the merits of the case.” *Chrysler Group, LLC*, 809 F.3d at 1102. In those circumstances, the parties must make only a “particularized showing of good cause,” *Finjan LLC v. Palo Alto Networks, Inc.*,

2023 WL 5211321, at *1 (N.D. Cal. Aug. 14, 2023), as the “public has less of a need for access to court records attached only to non-dispositive motions,” and the “public policies that support the right of access to dispositive motions, and related materials, do not apply with equal force.” *Kamakana*, 447 F.3d at 1179-80. The Local Rules also require that sealing requests must be “narrowly tailored to seal only the sealable material.” Civil L.R. 79-5(c)(3).

**III. GOOD CAUSE IF NOT COMPELLING REASONS EXIST TO SEAL
PORTIONS OF THE JOINT DISCOVERY DISPUTE STATEMENT AND
DECLARATION IN SUPPORT OF THE SAME.**

Anthropic respectfully requests that this Court seal limited portions of its Joint Discovery Dispute Statement Regarding Anthropic’s Preservation of Prompt and Output Records and the Declaration of Sarah Rodriguez In Support Of Anthropic’s Position In Joint Discovery Dispute Statement Regarding Anthropic’s Preservation Of Prompt and Output Records, because these Sealed Documents contains Anthropic’s non-public, confidential internal business information. As set forth below, and as explained in the accompanying Naugle Declaration, the yellow-highlighted portions of the document that Anthropic respectfully submits should be sealed contain highly confidential nonpublic information relating to Anthropic’s usage data information. This is confidential and competitively sensitive information that is not available to the public.

Good cause—if not compelling reasons—exist to seal the requested material because public disclosure of this highly sensitive information would cause significant competitive harm to Anthropic. Metrics regarding Claude usage, including but not limited to information about the number of prompts entered by Claude users during a given time period, is business-confidential, competitively sensitive information that is not publicly available. *See N.Y. Times Co. v. OpenAI*, 23-cv-11195 (S.D.N.Y.), Dkt. 426 (sealing ChatGPT usage metrics (Dkt. 414)). Disclosing this proprietary information would give competitors and potential business partners unfair insights into Anthropic’s business strategies relating to the relative importance of Anthropic’s consumer and enterprise offerings or insights into its market share relative to competitors. *See In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (sealing “business information that might harm a litigant’s competitive standing”).

1 Courts in this District and in the Ninth Circuit regularly find compelling reasons to seal
2 confidential business information of the type Anthropic seeks to seal. *See, e.g., In re Elec. Arts, Inc.*,
3 298 F. App'x 568, 569 (9th Cir. 2008) (finding “compelling reasons” to seal “business information
4 that might harm a litigant’s competitive strategy”); *Heck v. Amazon.com, Inc.*, 2026 WL 1295876
5 at *2 (W.D. Wash. May 12, 2026) (holding that “the rate at which [] customers engage with [a
6 party’s] service” is “information [that] could be used by competitors to promote their products as
7 having a higher customer engagement” and thus “is a compelling reason to leave the documents
8 sealed.”); *TriQuint Semiconductor, Inc. v. Avago Technologies Ltd.*, 2011 WL 6182346 at *3 (D.
9 Ariz. Dec. 13, 2011) (holding that even where “total revenue is public,” there are “compelling
10 reasons to seal” a party’s “information regarding the volume of its sales” because that information
11 could reveal a party’s “capacity, business strategy related to particular industries and markets, and
12 the value of its business in certain products.”).

13 In the related *Concord I* litigation, this Court found that there was good cause to seal “metrics
14 of how many prompts were submitted to Claude over periods of time” to the extent Anthropic had
15 not publicly disclosed those metrics because it “agree[d] that, for a company whose bread-and-butter
16 is generative artificial intelligence, the usage metrics of their most well-known AI product could
17 give their competitors insight into their market share and thus may be competitively sensitive.” *See*
18 *Concord et al. v. Anthropic PBC*, No. 24-cv-03811-EKL-SKV, Dkt. 378 at 2-4; *see also Concord*
19 *I*, Dkt. 319.

20 The limited sealing that Anthropic requests is narrowly tailored to encompass only the
21 specific portions of the Sealed Documents that legitimately qualify as Anthropic’s confidential and
22 proprietary business and technical information. Pursuant to section VII.D of the Court’s Standing
23 Order, the documents for which sealing is sought are as follows:

ECF No.	Document	Text to be Sealed	Basis for Sealing
N/A	Joint Discovery Dispute Statement re Anthropic's Preservation of Prompt and Output Records	Highlighted portions at pages 1:10, 2:20-21, 3:12, 3:23-24, 8:23-24, 8:26, 9:1	The redacted language contains highly confidential nonpublic information relating to Anthropic's business practices and operations, including specific and sensitive metrics related to Claude usage, public disclosure of which would cause competitive harm to Anthropic.
N/A	Declaration of Sarah Rodriguez ISO Anthropic's Position in Joint Discovery Dispute Statement	Highlighted portions at pages 1:15-16, 1:18, 1:20, 1:22, 1:23-24, 2:5	The redacted language contains highly confidential nonpublic information relating to Anthropic's business practices and operations, including specific and sensitive metrics related to Claude usage, public disclosure of which would cause competitive harm to Anthropic.

IV. CONCLUSION

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

1 Date: July 6, 2026

/s/ Sonal N. Mehta

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