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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,

Defendant.

Case Number: 5:24-cv-03811-EKL-SVK

**PLAINTIFFS' OPPOSITION TO
ANTHROPIC'S DECLARATION IN
SUPPORT OF SEALING (ECF NO. 362)**

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

1 Pursuant to Civ. L.R. 79-5(f)(4), Plaintiffs (“Publishers”) respectfully submit this Response
 2 in Opposition to Anthropic’s Declaration in Support of Publishers’ Administrative Motion to
 3 Consider Whether Another Party’s Material Should Be Sealed, ECF No. 362.

4 The Ninth Circuit recognizes “a strong presumption in favor of access to court records.”
 5 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). “It is well-established
 6 that the fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively
 7 public.” *San Jose Mercury News, Inc. v. U.S. Dist. Ct.—N. Dist. (San Jose)*, 187 F.3d 1096, 1103
 8 (9th Cir. 1999). “The public has a right of access to the Court’s files.” Civ. L.R. 79-5(a).

9 As the party seeking to seal the Joint Discovery Dispute Statement, Anthropic “bears the
 10 burden of overcoming this strong presumption [of public access] by meeting the ‘compelling
 11 reasons’ standard,” which requires Anthropic to “articulate[] compelling reasons supported by
 12 specific factual findings that outweigh the general history of access and public policies favoring
 13 disclosure.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting
 14 *Foltz*, 331 F.3d at 1135). As part of that showing, Anthropic must demonstrate “(i) the legitimate
 15 private or public interests that warrant sealing; (ii) the injury that will result if sealing is denied;
 16 and (iii) why a less restrictive alternative to sealing is not sufficient.” Civ. L.R. 79-5(c)(1).
 17 Boilerplate allegations of harm and “hypothesis or conjecture” are insufficient. *Ctr. for Auto Safety*
 18 *v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (quoting *Kamakana*, 447 F.3d at 1179).

19 Anthropic has not met this “stringent standard,” *id.*, with respect to any of the non-sensitive
 20 information it seeks to seal here.¹

21 **I. Anthropic does not articulate any legitimate basis for sealing the non-sensitive**
 22 **Claude prompt and output references at issue.**

23 A review of the two Claude prompt *excerpts* Anthropic seeks to seal makes clear that there
 24 is no compelling reason whatsoever to seal this information. Specifically, Anthropic seeks to seal
 25 portions of a user prompt that requests the lyrics to Publishers’ work, “The Boys Are Back in Town,”
 26 in extremely general language, without including any sensitive user information (ECF No. 344-2

27 ¹ Even if the “good cause” standard applies rather than the “compelling reasons” standard,
 28 Anthropic still fails to make a “particularized showing” that sealing is warranted. *Kamakana*,
 447 F.3d at 1180,

1 at 2), and a *paraphrase* of a second user prompt regarding lyrics that resulted in Claude output
2 copying lyrics to two of Publishers’ works, “Lean on Me,” and “Life is a Highway,” again without
3 any sensitive user information (ECF No. 344-2 at 3). Likewise, there is no compelling reason to
4 seal Anthropic’s very high-level descriptions of certain other user prompts and output (ECF No.
5 344-2 at 7). Anthropic fails to show any privacy interest that could possibly require sealing this
6 general language, fails to demonstrate any specific injury that would result from disclosure of these
7 anonymous excerpts, and fails to explain why a less restrictive alternative to sealing is not available.
8 Nor does Anthropic articulate, with respect to the *specific prompts and output* at issue, why there
9 is good cause to seal.

10 Anthropic’s claim that this information is “highly confidential” is non-sensical. There is
11 nothing even remotely sensitive about these limited excerpts—especially the two prompt excerpts
12 in Publishers’ statement—and no conceivable way that any of these anonymous excerpts could be
13 tied to specific users or cause “significant risk of harm for Anthropic’s third-party users.” Indeed,
14 Anthropic never identifies what user details or supposedly private user information are actually
15 contained in these specific excerpts that would warrant sealing.

16 Anthropic’s continued insistence that this type of non-sensitive information meets the high
17 standard for sealing is inexplicable, particularly in light of the Court’s statements at the March 13,
18 2025 discovery hearing that “there clearly is an issue [in this litigation] of over-designation” by
19 Anthropic, and that much of the information at issue is “definitely not [] highly confidential, AEO,
20 and [the Court] hope[s] that was a mistake and won’t be repeated.” Hr’g Tr. 60:7–8; 66:23-24
21 (May 13, 2025).

22 In sum, nothing in these limited excerpts could possibly “gratify private spite, promote
23 public scandal, circulate libelous statements, or release trade secrets” such that sealing might be
24 warranted. *Kamakana*, 447 F.3d at 1178 (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589,
25 598–99 (1978)). Anthropic’s “[b]road allegations of harm, unsubstantiated by specific examples
26 of articulated reasoning” cannot carry its burden of demonstrating a compelling reason to seal this
27 information. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

28 Similarly, because Anthropic only states in “general terms” Claude prompts and outputs

1 are confidential and does not demonstrate “*with particularity* the need to file *each document* under
 2 seal,” Anthropic fails to establish good cause for sealing. *Monolithic Power Sys., Inc. v. O2 Micro*
 3 *Int'l Ltd.*, 2009 WL 10675139, at *1 (N.D. Cal. 2009) (emphasis added).

4 **II. Anthropic does not articulate any legitimate basis for sealing the general, high-**
 5 **level Claude records figures.**

6 Anthropic also fails to identify any legitimate basis for sealing the number of prompt/output
 7 records Anthropic has preserved from the Claude.ai website for a nine-day period in September
 8 2023 and the six-month period from September 2023 to March 2024 (ECF No. 344-2 at 4-5).

9 First, Anthropic does not explain how these two figures could possibly cause it competitive
 10 harm if disclosed. These general figures are not trade secrets. These numbers do not identify overall
 11 Claude usage—the number of Claude.ai website records Anthropic preserved for purposes of the
 12 litigation for these two time periods may or may not capture all Claude.ai website usage,² and these
 13 figures certainly do not reflect broader Claude usage through other channels (such as the API
 14 Anthropic has made available to its thousands of business customers). Nor is there anything special
 15 about these two particular time periods such that information about the number of Claude records
 16 Anthropic preserved for these times could be competitively sensitive in a manner sufficient to
 17 justify sealing. These periods pertain to this litigation—not to any Anthropic business purpose or
 18 strategy. Anthropic has not explained how the general number of Claude records for these two
 19 litigation-related periods could possibly afford any competitive advantage to another company.

20 The lack of any possible competitive harm is further underscored by the fact that these
 21 figures are, respectively, more than 19 months old and more than 13 months old. “[T]here are no
 22 compelling reasons to seal stale information.” *Applied Materials, Inc. v. Demaray LLC*, 2023 WL
 23 4409106, at *2 (N.D. Cal. 2023) (denying request to seal); *see also Pac. Marine Propellers, Inc.*
 24 *v. Wartsila Def., Inc.*, 2018 WL 6601671, at *2 (S.D. Cal. 2018) (denying request to seal where
 25 defendant failed to show “why [] outdated information would have any effect on [defendant’s]
 26 competitive standing at the present”).

27 For this reason, Anthropic’s reliance on *N.Y. Times Co. v. OpenAI*, No. 1:23-cv-11195-SHS-

28 ² Publishers are separately pursuing discovery regarding whether Anthropic complied with its obligations in preserving Claude prompt and output records.

1 OTW, ECF No. 426, is misplaced. In that case, OpenAI sought to seal documents concerning
2 OpenAI's obligation to preserve output log data on a going-forward basis. *See id.* ECF No. 414.
3 That is very different from the backward-looking information at issue here.

4 Anthropic's boilerplate references to generalized competitive harms and hypotheticals do
5 not suffice. "Generic rationales invite general rejection." *X Corp. v. Bright Data Ltd.*, 2025 WL
6 81577, at *3 (N.D. Cal. 2025). Moreover, "[i]nformation does not have value to a competitor
7 merely because the competitor does not have access to it." *Travelers Property Cas. Co. v. Centex*
8 *Homes*, 2013 WL 707918, at *1 (N.D. Cal. 2013). Particularly given the several subsequent Claude
9 model releases since the date of these general figures, "it is unclear how [Anthropic's] competitors
10 could derive any economic benefit" from the figures now. *Id.* For these reasons, Anthropic's
11 request to seal should be denied.

12 Second, Anthropic has not consistently maintained such Claude usage figures as
13 confidential, and similar figures are already public, further undermining its sealing request.

14 For example, analytics firms already publicly report on Claude usage numbers, including
15 reporting that Claude received 3.3 million daily visits in March 2025 alone.³ Likewise, Anthropic
16 itself has recently boasted that the user base for Claude is "growing like crazy," and it has disclosed
17 various Claude user figures publicly.⁴ For example, in a report concerning usage patterns of Claude
18 users, Anthropic researchers disclosed they had obtained at least 2.8 million Claude user
19 conversations from the Claude.ai website from between November 28, 2024 and December 18,
20 2024,⁵ and examined 4 million conversations from between December 2024 and January 2025.⁶
21 Anthropic has even made datasets derived from those 4 million conversations publicly available.⁷

22 _____
23 ³ Kyle Wiggers, *ChatGPT Isn't the Only Chatbot That's Gaining Users*, TECHCRUNCH (Apr. 1,
2025), <https://techcrunch.com/2025/04/01/chatgpt-isnt-the-only-chatbot-thats-gaining-users/>.

24 ⁴ Cynthia Littleton, *Anthropic Chief Says AI Tools Can Be a 'Force Multiplier' for Business*,
25 VARIETY (Apr. 11, 2025), <https://variety.com/2025/biz/news/anthropic-daniela-amodei-chief-ai-force-multiplier-1236367447/>.

26 ⁵ KUNAL HANDA ET AL., WHICH ECONOMIC TASKS ARE PERFORMED WITH AI? EVIDENCE FROM
27 MILLIONS OF CLAUDE CONVERSATIONS 27 (2025),
https://assets.anthropic.com/m/2e23255f1e84ca97/original/Economic_Tasks_AI_Paper.pdf.

28 ⁶ *Id.* at 1.

⁷ *The Anthropic Economic Index*, ANTHROPIC (Feb. 10, 2025),
<https://www.anthropic.com/news/the-anthropic-economic-index>.

1 Anthropic has also publicly disclosed similar Claude figures in this case. *See, e.g.*, Decl.
2 of Anthropic’s Olivia Chen ¶ 2 (Apr. 30, 2025), ECF No. 341-2 (discussing Anthropic’s “dataset
3 of hundreds of millions of [Claude.ai] records spanning from September 22, 2023 to March 22,
4 2024”); Decl. of Jared Kaplan ¶ 12 (Aug. 22, 2024), ECF No. 209 (“On average, hundreds of
5 thousands of users engage with Claude.ai on a daily basis, which amounts to approximately
6 millions of conversations per day.”); Joint Case Management Statement at 6 (Feb. 26, 2025), ECF
7 No. 299 (Anthropic is reviewing “more than 170,000 prompts and outputs from its commercial-
8 facing Claude.ai product (narrowed from a universe of hundreds of millions records)”).

9 Where similar usage information has already been disclosed publicly, there could be no
10 serious harm from disclosure here and no basis for sealing. *See, e.g., Kamakahi v. American Society*
11 *for Reproductive Medicine*, 2014 WL 6617262, at *3 (N.D. Cal. 2014) (declining to seal where
12 party had disclosed materials); Sealing Order (Dec. 19, 2024), ECF No. 282 (the Court’s denying
13 certain sealing requests where information was already part of the public record).

14 **III. There is no legitimate basis for sealing the fact that Anthropic used two common
AI training datasets.**

15 Nor does Anthropic identify any legitimate reason to seal the fact that its training corpus
16 for Claude includes two common AI training datasets (ECF No. 344-2 at 5-6, 10).

17 As an initial matter, the excerpts Anthropic seeks to seal say nothing about Anthropic’s
18 “training data mix” as Anthropic claims. Rather, the language simply refers to the fact that
19 Anthropic includes two common AI training datasets in its overall Claude training corpus, without
20 further discussion of any specific training process or dataset mix it employs between those and
21 other datasets. That is no trade secret that warrants sealing.

22 Moreover, disclosure of the fact that Claude’s training corpus includes these datasets could
23 not possibly cause competitive harm to Anthropic, given that (1) this information is already well-
24 known, and (2) these same training datasets are commonly used by Anthropic’s competitors, as
25 explained in the section of the underlying Joint Dispute Statement Anthropic seeks to seal here.
26 *See* ECF No. 344-2 at 5–6. Protection from disclosure is unjustified when “information has already
27 become public.” *Rodman v. Safeway, Inc.*, 2013 WL 12320765, at *2 (N.D. Cal. 2013) (denying
28 request to seal materials that have become public or reflect outdated information).

1 Dated: May 16, 2025

Respectfully submitted,

2 */s/ Timothy Chung*

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