

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC., et al.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 3:23-cv-01092

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair E. Newbern

PLAINTIFFS' MOTION TO ASCERTAIN STATUS

Plaintiffs (“Publishers”), pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.01(c), respectfully move this Court to advise the parties of the status of Publishers’ Motion for Preliminary Injunction (ECF No. 40) and Motion Requesting Oral Argument (ECF No. 97). Pursuant to Local Rule 7.01(a)(1), Publishers conferred with Defendant Anthropic PBC (“Anthropic”) by email before filing this motion. Defendant’s counsel stated that Anthropic takes no position on this motion.¹

On November 16, 2023, Publishers filed a Motion for Preliminary Injunction (the “Motion”) and an accompanying Memorandum of Law (ECF No. 41). Anthropic filed its Opposition to the Motion (ECF No. 67) on January 16, 2024. Publishers filed their Reply in Support of the Motion (ECF No. 92) on February 14, 2024. That same day, Publishers filed a Motion Requesting Oral Argument (ECF No. 97). Anthropic filed a response in opposition (ECF No. 114) on February 20, 2024, requesting that the Court hold an evidentiary hearing. On February 27, 2024, Publishers filed their Reply in Support (ECF No. 116), which asserted that the Court can

¹ Anthropic disputes the premise of the request for relief and characterization of issues set forth herein.

decide Publishers' request for limited injunctive relief based on the evidence already submitted; explained that, if the Court deems additional evidence appropriate, it would prove most useful and efficient to first determine the schedule and scope of such an evidentiary hearing; and proposed a procedure to reach that result. *See* ECF No. 116, at 5. Both motions are fully briefed and ripe for the Court's consideration.

Because Publishers believe the law and facts unequivocally support their position that a preliminary injunction is warranted and that time is of the essence, Publishers submit that an "expedited disposition of the . . . motion is necessary [and] desirable." *See* Local Rule 7.01(c).² As many have recognized, artificial intelligence companies, including Defendant, are increasingly harvesting copyrighted works without authorization in a "desperate hunt for . . . digital data." *See* Cade Metz *et al.*, *How Tech Giants Cut Corners to Harvest Data for A.I.*, NEW YORK TIMES (Apr. 6, 2024), <https://www.nytimes.com/2024/04/06/technology/tech-giants-harvest-data-artificial-intelligence.html>. Publishers request expedited disposition of the pending motions and to determine the schedule for addressing Publishers' Motion for Preliminary Injunction because of the substantial harm being caused. Publishers seek a narrow preliminary injunction, but one that is critical in nature. It is important for Publishers that the Court address Defendant's comprehensive infringement before redress becomes prohibitively expensive or even impossible.

Accordingly, Publishers respectfully request that the Court advise the parties of the status of the pending Motion for Preliminary Injunction and Motion for Oral Argument, which will allow the parties to prepare for an efficient presentation at oral argument or an evidentiary hearing, should the Court determine that either is appropriate.

² As Publishers explain in their Reply in Support of the Motion (ECF No. 92), Defendant's pending motion to dismiss for lack of personal jurisdiction or venue is meritless and poses no obstacle to this Court's issuance of a preliminary injunction.

Dated: April 12, 2024

Respectfully submitted,

/s/ Steven A. Riley

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2024, I authorized the electronic filing of a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to the following counsel of record:

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