

Date: 28 August 2024

Subject: Request for Amendment Regarding Mischaracterization of My Work in Court Filing (*Bartz et al v. Anthropic PBC*, Case Number 3:24-CV-05417)

To: Senior District Judge William Alsup
San Francisco Courthouse, Courtroom 12 – 19th Floor
450 Golden Gate Avenue, San Francisco, CA 94102

CC: Justin A. Nelson, Alejandra C. Salinas, Rohit D. Nath, J. Craig Smyser, Jordan W. Connors, Rachel Geman, Wesley Dozier, Anna Freymann, Reilly T. Stoler, Andrea Bartz, Charles Graeber, and Kirk Wallace Johnson

Dear Judge Alsup,

I am a Canadian visual artist and author who is referenced in the complaint filed in the case of *Bartz et al v. Anthropic PBC*, Case Number 3:24-CV-05417.

I apologize if this request is coming in a non-standard form. I am not a lawyer, and am uncertain as to the appropriate procedure for correcting the record here, especially given that I am not a party to the case. I am writing in hope that the court might afford me an opportunity to publicly respond to the false and harmful statements made about me by Plaintiffs in the complaint, and respectfully ask that the court consider my request to file this letter in the case's public docket.

Specifically, I am referring to Paragraphs 51-53 of the complaint, which mischaracterize my work in a manner that has led to reputational harm, including causing a major media outlet to refer to me incorrectly as a "fraudster."

The paragraphs at issue fall under Section III, entitled "*Anthropic Has Profited From Its Unlicensed Exploitation of Copyrighted Material At the Expense of Authors.*"

Paragraph 51 claims that since the release of Large Language Models (LLMs), like Anthropic's Claude, Amazon has been flooded with AI-generated "copycats," "rip-offs," and "garbage books" falsely attributed to popular authors. It is further claimed that these books "compete with the original, or at a minimum dilute the market for the original copyrighted work."

Paragraph 52 then apparently goes on to wrongly use my books as an illustration of those admittedly real problems. The complaint seems to be suggesting by association that I am participating in these dubious practices. I can sincerely assure you that I am not. Please consider the following supporting points:

- I do not copy or rip-off the books of others. The contents of my books come from my imagination and I use AI tools to realize that vision.
- I do not falsely attribute my books to other authors.
- I do not sell my books on Amazon.

- I have never paid Anthropic for AI services, making it additionally inappropriate and irrelevant for me to be included in a section about the company allegedly profiting from the use of copyrighted works.

Further, Paragraph 52 ends with the claim regarding my books, that, “Claude could not generate this kind of long-form content if it were not trained on a large quantity of books...” It is factually inaccurate to call my works “long-form content,” given that they typically include between only two thousand to five thousand words on average, and between approximately forty to 100 images. (As you may know, Claude is not capable of generating images.) Given the word counts and image counts of my books, it would be more appropriate to perhaps consider them in some ways comparable to comic books, short graphic novels, or illustrated short story collections than to traditional long-form books.

Lastly, I take exception in Paragraph 52 to the use of scare quotes around “written” and “write” in regards to the authorship of my books, as I believe this use is intended to diminish the real creative and intellectual labor which goes into their production.

The books I produce involve a significant amount of original writing, creativity, collaboration, artistic direction, editorial, and curatorial work. While I sometimes use AI tools to generate sections, passages, sentences, or phrases, I typically rewrite or substantially edit these AI-generated outputs. This constitutes creative and intellectual labor that is absolutely “real.”

To the extent that elements included in my finished works originate from outputs generated by AI models, my understanding of the technology is that these elements are transformative of the billions of points of data required to train these models. They are not reproducing any specific work(s) in part or in entirety, nor are they based on any small given subset of works, but on broad statistical patterns distributed across the entire training set.

Furthermore, the lawsuit nowhere proves that any aspect of my work is in any way based on, substantially informed by, or similar to the specific copyrighted works cited by the Plaintiffs. Based on all the above, I believe the references to my work in the complaint are barely relevant to the rest of the case and at the same time illustrates Plaintiff’s apparent lack of time spent actually reading my work, and their failure to accurately characterize it has resulted in actual and lasting harm to my reputation. Plaintiffs claim to stand for writers. Well, I am a writer and because of Plaintiff’s complaint, a major media outlet deemed me a “fraudster,” an unfounded label that could easily follow me around for the rest of my career. Plaintiff’s lack of care was unnecessary, unjust, and cruel. I ask that they correct the record and show greater consideration in the future for the real human beings affected by their litigation tactics. Thank you for your kind assistance.

Sincerely,

Tim Boucher

VA2SFX

Quebec, Canada

<https://timboucher.ca/about>