

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 98.234.250.188

Strike 3 Holdings · No. 3:26-cv-00160 · Decided January 29, 2026

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve a third-party Rule 45 subpoena on Comcast Cable or another identified internet service provider to disclose the identity and address associated with IP address 98.234.250.188. The order establishes notice, preservation, objection, production, confidentiality, and limited-use requirements for the subpoenaed information.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 29, 2026
DOCKET	3:26-cv-00160
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena on the Internet service provider associated with the anonymous defendant's IP address before the Rule 26(f) conference.
STANDARD OF REVIEW	Good-cause standard for expedited third-party discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

- discovery dispute
- civil procedure
- copyright infringement
- intellectual property

PRACTICE AREAS

- civil procedure
- copyright
- third-party discovery
- anonymous defendant identification

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause to serve a third-party Rule 45 subpoena before the Rule 26(f) conference.
2. What notice, confidentiality, preservation, and use restrictions should govern disclosure of the anonymous subscriber's identifying information.

HOLDINGS

1. Plaintiff established good cause to serve a Rule 45 subpoena on Comcast Cable before the Rule 26(f) conference to obtain the true name and address of the subscriber assigned the identified IP address.
2. Any disclosure must be preceded by subscriber notice and an opportunity to contest, and the identifying information must be preserved, provisionally filed under seal, and used only to protect and enforce Plaintiff's rights in the action.

KEY QUOTATIONS

"Plaintiff has established "good cause" to serve a third-party subpoena on Comcast Cable (the ISP)." (at 1)

"Each subscriber and ISP shall have 30 days from the date of service upon them to file a motion in this Court contesting the subpoena (including a motion to quash or modify the subpoena)." (at 2)

FACTUAL BACKGROUND

Strike 3 Holdings alleged that the anonymous defendant was associated with IP address 98.234.250.188 and sought the defendant's true name and address from Comcast Cable, the relevant Internet service provider. The requested discovery was intended to identify the Doe defendant in a copyright action. The court conditioned disclosure on subscriber notice and procedural safeguards.

PROCEDURAL HISTORY

Strike 3 Holdings, LLC filed a copyright action against an unidentified subscriber associated with IP address 98.234.250.188. Before the Rule 26(f) conference, Plaintiff applied ex parte for leave to subpoena Comcast Cable and potentially other identified service providers to disclose the subscriber's identifying information. The court granted the requested leave subject to notice, an opportunity to move to quash or modify, preservation, confidentiality, and use restrictions.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. 2008)
- Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6-7 (D.D.C. 2008)

OPINION

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 98.234.250.188
PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 STRIKE 3 HOLDINGS, LLC, Case No. 26-cv-00160-LJC 8 Plaintiff,

ORDER ON EX PARTE APPLICATION

9 v. FOR LEAVE TO SERVE THIRD-

PARTY SUBPOENA

10 JOHN DOE SUBSCRIBER ASSIGNED IP

ADDRESS 98.234.250.188, Re: Dkt. No. 7 11 Defendant. 12 13 Plaintiff Strike 3 Holdings, LLC
filed an ex parte application for leave to serve a third- 14 party subpoena prior to a Rule 26(f)
conference. The Court finds as follows: 15 1. Plaintiff has established “good cause” to serve a
third-party subpoena on Comcast 16 Cable (the ISP). See UMG Recording, Inc. v. Doe, 2008 WL
4104214, *4 (N.D. Cal. 2008); 17 Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6–7
(D.D.C. 2008); 18 2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to
19 provide Plaintiff with the true name and address of the Defendant to whom the ISP assigned the
20 internet protocol (IP) address as set forth in Exhibit A to the Complaint. Plaintiff shall attach to
21 any such subpoena a copy of this Order; 22 3. Plaintiff may also serve a Rule 45 subpoena in
the same manner as above on any 23 service provider identified in response to a subpoena as a
provider of Internet services to the 24 Defendant; 25 4. If the ISP qualifies as a “cable operator,”
as defined by 47 U.S.C. § 522(5), which 26 provides: 27 the term “cable operator” means any
person or group of persons 1 (A) who provides cable service over a cable system and directly or
through one or more affiliates owns a significant interest in such cable 2 system, or (B) who
otherwise controls or is responsible for, through any arrangement, the management and operation
of such a cable 3 system. 4 The ISP shall comply with 47 U.S.C. § 551(c)(2)(B), which provides: 5
A cable operator may disclose [personal identifying] information if the disclosure is . . . made
pursuant to a court order authorizing such 6 disclosure, if the subscriber is notified of such order
by the person to whom the order is directed . . . 7 8 by sending a copy of this Order to the
Defendant; and 9 5. Plaintiff may use the information disclosed in response to a Rule 45 subpoena
10 served on the ISP only for the purpose of protecting and enforcing Plaintiff’s rights as set forth
in 11 its Complaint. 12 6. The ISP shall serve a copy of the subpoena and a copy of this Order on
the 13 subscriber(s) within 30 days of the date of service on the ISP. The ISP may serve the
subscriber(s) 14 using any reasonable means, including written notice sent to their last known
address, transmitted 15 either by first-class mail or via overnight service. 16 7. Each subscriber
and ISP shall have 30 days from the date of service upon them to 17 file a motion in this Court
contesting the subpoena (including a motion to quash or modify the 18 subpoena). If the 30-day
period lapses without a subscriber contesting the subpoena, the ISP shall 19 have 10 days

thereafter to produce to Plaintiff the information responsive to the subpoena with 20 respect to that subscriber. 21 8. The ISP shall preserve all subpoenaed information pending production of the same 22 to Plaintiff or final resolution of any timely filed motion to quash the subpoena. 23 // 24 // 25 // 26 // 27 //] 9. The name and/or other personal identifying information of the Defendant shall be 2 // provisionally filed under seal in all filings and not otherwise disclosed. Once the Defendant has 3 // been served, the Court may require that the Defendant move for leave to proceed anonymously in 4 // this action. 5 IT IS SO ORDERED. 6 // Dated: January 29, 2026 7 g on | pari

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'A J. CISNEROS

9 ited States Magistrate Judge 10 1] a 12 13 14 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28