

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
107.142.43.1

No. 26-cv-00122-HSG, United States District Court for the Northern District of California (January 23, 2026)

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve a third-party subpoena on AT&T Inc. and other identified internet service providers before the Rule 26(f) conference. The order establishes notice and challenge periods, limits use of disclosed information, and imposes a protective order concerning the defendant's identifying information.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 23, 2026
DOCKET	26-cv-00122-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party subpoena on an Internet service provider before the Federal Rule of Civil Procedure 26(f) conference in a copyright-infringement action against an unidentified subscriber.
STANDARD OF REVIEW	The court applied the good-cause standard for early third-party discovery and considered sua sponte issuance of a protective order under Federal Rule of Civil Procedure 26(c).
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

- discovery dispute
- civil procedure
- copyright infringement

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether good cause existed to permit Plaintiff to serve a Rule 45 subpoena on the Internet service provider before the Rule 26(f) conference.
2. What conditions should govern disclosure, use, notice, and challenges to subscriber-identifying information obtained through the subpoena.
3. Whether the court should sua sponte issue a limited protective order concerning the confidentiality of identifying information disclosed by the Internet service provider.

HOLDINGS

1. Good cause existed under Federal Rule of Civil Procedure 45 to allow Plaintiff to serve AT&T Inc. with a subpoena before the Rule 26(f) conference seeking the true name and address of the subscriber assigned the identified IP address.
2. Plaintiff could serve a Rule 45 subpoena requiring the Internet service provider to produce the Doe subscriber's true name and address, subject to notice to the subscriber and provider, a 30-day period to contest the subpoena, a limited use restriction, and production ten days after the contest period expired if no challenge was filed.
3. The court issued a limited protective order requiring any name or other personal identifying information released to Plaintiff to remain confidential and not be publicly disclosed until Defendant had an opportunity to seek leave to proceed anonymously and the court ruled on that motion.

KEY QUOTATIONS

“Plaintiff has established that “good cause” exists for it to serve a third-party subpoena on AT&T Inc. (hereinafter the “ISP”) under Federal Rule of Civil Procedure 45.” (1)

“To the extent that the ISP releases any name or other personal identifying information regarding Defendant to Plaintiff, such information shall be treated as confidential and shall not be publicly disclosed until Defendant has had the opportunity to file a motion with this Court to proceed anonymously and the Court has ruled on that motion.” (3-4)

FACTUAL BACKGROUND

Plaintiff alleged that Defendant infringed its copyright using an Internet Protocol address assigned by AT&T Inc. Plaintiff sought the subscriber's true name and address because the subscriber associated with the IP address might not be the individual who committed the alleged infringement, and public accusations involving adult motion pictures could cause embarrassment.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against John Doe and moved ex parte for leave to serve AT&T Inc. with a Rule 45 subpoena before the Rule 26(f) conference. The court granted the application,

authorized additional subpoenas to subsequently identified service providers, and entered a limited protective order governing disclosed identifying information.

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)
- Strike 3 Holdings, LLC v. Doe, No. 17-CV-07051-LB, 2018 WL 357287, at *2 (N.D. Cal. Jan. 10, 2018)

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