

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PRECEDENTIAL VALUE	unpublished and nonprecedential district court order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)

OPINION

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

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-00122-HSG 8 Plaintiff, ORDER GRANTING
EX PARTE

APPLICATION FOR LEAVE TO

9 v. SERVE A THIRD PARTY SUBPOENA

10 JOHN DOE SUBSCRIBER ASSIGNED IP Re: Dkt. No. 7

ADDRESS 107.142.43.1,

11 Defendant. 12

13 Plaintiff Strike 3 Holdings, LLC moves ex parte for leave to serve a third-party subpoena 14
prior to the Federal Rule of Civil Procedure 26(f) conference. Dkt. No. 7. Having considered 15
Plaintiff’s application, the Court ORDERS as follows: 16 1. Plaintiff has established that “good
cause” exists for it to serve a third-party 17 subpoena on AT&T Inc. (hereinafter the “ISP”) under
Federal Rule of Civil Procedure 45. See, 18 e.g., UMG Recording, Inc. v. Doe, 2008 WL 4104214,
*4 (N.D. Cal. 2008); Arista Records LLC v.

19 Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008); see also Strike 3 Holdings, LLC v. Doe, No.
20 17-CV-07051-LB, 2018 WL 357287, at *2 (N.D. Cal. Jan. 10, 2018). 21 2. Plaintiff may serve
the ISP with a Rule 45 subpoena commanding the ISP to 22 provide Plaintiff with the true name
and address of the Defendant John Doe to whom the ISP 23 assigned an IP address as detailed in
complaint and as listed in the case caption. Plaintiff shall 24 attach a copy of this Order to any
such subpoena. 25 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on
any 26 service provider that is identified in response to a subpoena as a provider of Internet
services to 27 Defendant. 1 4. If the ISP qualifies as a “cable operator,” defined by 47 U.S.C. §

522(5), as any 2 person or group of persons: 3 (A) who provides cable service over a cable system and directly or 4 through one or more affiliates owns a significant interest in such 5 cable system, or 6 (B) who otherwise controls or is responsible for, through any 7 arrangement, the management and operation of such a cable system, 8 it shall comply with 47 U.S.C. § 551(c)(2)(B), which in turn states: 9 10 A cable operator may disclose such [personal identifying] information if the 11 disclosure is . . . made pursuant to a court order authorizing such disclosure, if the 12 subscriber is notified of such order by the person to whom the order is directed. 13 14 by sending a copy of this Order to the Defendant. 15 5. Plaintiff may only use the information disclosed in response to a Rule 45 subpoena 16 served on the ISP for the purpose of protecting and enforcing Plaintiff's rights as set forth in its 17 complaint. 18 6. Each ISP will have 30 days from the date of service upon it to serve each of its 19 subscriber(s) whose identity information is sought with a copy of the subpoena and a copy of this 20 order. The ISPs may serve the subscribers using any reasonable means, including written notice 21 sent to the subscriber's last known address, transmitted either by first-class mail or via overnight 22 service. 23 7. Each subscriber and each ISP shall have 30 days from the date of service upon him, 24 her or it to file any motions in this court contesting the subpoena (including a motion to quash or 25 modify the subpoena). If the 30-day period after service on the subscriber lapses without the 26 subscriber or the ISP contesting the subpoena, the ISP shall have 10 days to produce to Plaintiff 27 the information responsive to the subpoena with respect to that subscriber. 1 Additionally, under Rule 26(c), the Court may sua sponte grant a protective order. See

2 Strike 3 Holdings, 2018 WL 357287, at *3. Because the ISP subscriber(s) may not be the 3 individual(s) who infringed Plaintiffs copyright, and because of the potential embarrassment 4 associated with being publicly accused of illegally downloading adult motion pictures, the Court 5 || issues a limited protective order in this case: To the extent that the ISP releases any name or other 6 || personal identifying information regarding Defendant to Plaintiff, such information shall be 7 || treated as confidential and shall not be publicly disclosed until Defendant has had the opportunity 8 to file a motion with this Court to proceed anonymously and the Court has ruled on that motion. 9 If Defendant fails to file a motion for leave to proceed anonymously within 30 days after 10 || his or her information is disclosed to Plaintiff, this limited protective order will expire. 11 IT IS SO ORDERED. 12 || Dated: 1/23/2026 4 HAYWOOD S. GILLIAM, JR. United States District Judge 16 18 19 20 21 22 23 24 25 26 27 28