

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 99.121.63.154

No. 3:26-cv-00121-CRB, United States District Court for the Northern District of California (January 21, 2026)

SUMMARY

This document is a proposed order granting Strike 3 Holdings, LLC leave to serve a third-party Rule 45 subpoena on AT&T Internet before the Rule 26(f) conference. It addresses disclosure of the John Doe defendant’s identifying information, subscriber notification requirements under 47 U.S.C. § 551(c)(2)(B), and limitations on use of the disclosed information.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Charles R. Breyer
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 21, 2026
DOCKET	3:26-cv-00121-CRB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena on the defendant's internet service provider 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PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- third party practice
- copyright infringement
- civil procedure

PRACTICE AREAS

- civil procedure
- copyright litigation
- third-party discovery

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause to serve a third-party Rule 45 subpoena before the Rule 26(f) conference.
2. Whether the internet-service provider could be ordered to disclose subscriber-identifying information subject to notice and statutory conditions.
3. What restrictions and notice procedures should govern the use and disclosure of information obtained through the subpoena.

HOLDINGS

1. Plaintiff established good cause to serve a Rule 45 subpoena on AT&T Internet before the Rule 26(f) conference.
2. Plaintiff may serve Rule 45 subpoenas on AT&T Internet and, if identified through subpoena responses, other internet-service providers to obtain the defendant's true name and address associated with the IP address.
3. Any disclosure of subscriber-identifying information must be accompanied by notice to the subscriber, and Plaintiff may use the information only to protect and enforce the rights asserted in the complaint.

KEY QUOTATIONS

“A cable operator may disclose such [personal identifying] information if the disclosure is . . . made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.” (at 1)

FACTUAL BACKGROUND

Plaintiff alleged copyright infringement by a defendant identified only through the IP address 99.121.63.154. Plaintiff sought the subscriber's true name and address from AT&T Internet, or from another internet-service provider identified through subpoena responses. The court also addressed statutory notice requirements and restrictions on Plaintiff's use of the disclosed information.

PROCEDURAL HISTORY

Strike 3 Holdings, LLC filed a copyright infringement action against an unidentified subscriber associated with IP address 99.121.63.154. Before the Rule 26(f) conference, Plaintiff applied ex parte for leave to subpoena AT&T Internet and any subsequently identified internet-service provider for the subscriber's identifying information. The court entered the proposed order finding good cause and authorizing the subpoenas subject to notice, use, and disclosure conditions.

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)

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