

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF
CALIFORNIA 10 STRIKE 3 HOLDINGS, LLC, Case No.: 3:26-cv-00121-CRB 11 Plaintiff,
[PROPOSED] ORDER ON EX PARTE 12 APPLICATION FOR LEAVE TO vs. SERVE THIRD-
PARTY SUBPOENA 13 PRIOR TO A RULE 26(f) JOHN DOE subscriber assigned IP address
CONFERENCE 14 99.121.63.154, 15 Defendant. 16 17 THIS CAUSE came before the Court
upon Plaintiff's Ex Parte Application for Leave to 18 Serve a Third-Party Subpoena Prior to a
Federal Rule of Civil Procedure 26(f) Conference (the 19 "Application"), and the Court being duly
advised does hereby: 20 FIND, ORDER AND ADJUDGE: 21 1.

Plaintiff has established that "good cause" exists for it to serve a third-party 22 subpoena on AT&T
Internet (hereinafter the "ISP"). See UMG Recording, Inc. v. Doe, 2008 23 WL 4104214, *4 (N.D.
Cal. 2008); and Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6– 24 7 (D.D.C. 2008); 25 2.
Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to 26 provide Plaintiff
with the true name and address of the Defendant to whom the ISP assigned an 27 1 1 IP address as
set forth on Exhibit A to the Complaint.

Plaintiff shall attach to any such 2 subpoena a copy of this Order; 3 3. Plaintiff may also serve a
Rule 45 subpoena in the same manner as above on any 4 service provider that is identified in
response to a subpoena as a provider of Internet services to 5 one of the Defendants; 6 4. If the ISP
qualifies as a "cable operator," as defined by 47 U.S.C. § 522(5), 7 which states: 8 the term "cable
operator" means any person or group of persons 9 (A) who provides cable service over a cable
system and directly or through one 10 or more affiliates owns a significant interest in such cable
system, or 11 (B) who otherwise controls or is responsible for, through any arrangement, the 12
management and operation of such a cable system.

13 it shall comply with 47 U.S.C. § 551(c)(2)(B), which states: 14 A cable operator may disclose
such [personal identifying] information if the 15 disclosure is... made pursuant to a court order
authorizing such disclosure, if 16 the subscriber is notified of such order by the person to whom
the order is 17 directed. 18 by sending a copy of this Order to the Defendant; and 19 5.

Plaintiff may only use the information disclosed in response to a Rule 45 20 subpoena served on
the ISP for the purpose of protecting and enforcing Plaintiff's rights as set 21 forth in its
Complaint. 22 6. To ensure "the subscriber is notified of such [an] order," 47 U.S.C. § 23 551(c)(2)
(B), the ISP shall, via certified mail, send notice to the subscriber which includes a 24 copy of this
Order.

The ISP shall notify Plaintiff, in writing, of the date on which the 25 notification was mailed to the
subscriber. In the event the ISP fails to notify Plaintiff that it has 26 27 2 1 || complied with this

provision, Plaintiff shall serve a copy of this Order on the subscriber 2 || simultaneous to or before any other service. 3 IT IS SO ORDERED. 4 || Dated: __January 21, 2026 By: _ 5 — United States District Judge 5 Hon. Charles R. Breyer 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 [Proposed] Order on Application for Leave to Serve Third-Party Subpoena Prior to a Rule 26(f) Conference