

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
73.252.130.71

Case No. 25-cv-02288-PHK · No. 25-cv-02288-PHK · Decided June 13, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave under Federal Rule of Civil Procedure 26(d) to serve Comcast with a limited third-party subpoena before the Rule 26(f) conference. The subpoena seeks the name and physical address associated with IP address 73.252.130.71 to identify the John Doe defendant in a copyright infringement action. The Court also issues a protective order requiring confidential treatment of information produced by Comcast because of the sensitive nature of the allegations and the possibility that the identified subscriber may be an innocent third party.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Peter H. Kang
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 13, 2025
DOCKET	25-cv-02288-PHK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an ex parte application under Federal Rule of Civil Procedure 26(d)(1) for leave to serve Comcast with a third-party subpoena before the Rule 26(f) conference to identify the John Doe defendant. The court granted the application and sua sponte issued a limited protective order.
STANDARD OF REVIEW	Whether to authorize early discovery under Rule 26(d) is within the district court's broad discretion; discovery rulings are reviewed for abuse of discretion. A denial of early discovery will not be disturbed absent a clear showing of actual and substantial prejudice. Issuance of a protective order under Rule 26(c) is also committed to the court's broad discretion, subject to a showing of good cause.

PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 73.252.130.71

TOPICS

discovery dispute copyright infringement service of process civil procedure

PRACTICE AREAS

Civil procedure Copyright law Discovery Privacy and anonymity

QUESTIONS PRESENTED

1. Whether good cause existed under Federal Rule of Civil Procedure 26(d)(1) to authorize a limited third-party subpoena to Comcast before the Rule 26(f) conference.
2. Whether the requested discovery was sufficiently likely to identify Defendant Doe and permit service of process.
3. Whether good cause existed under Federal Rule of Civil Procedure 26(c) for the court to issue a sua sponte protective order protecting information produced by Comcast from disclosure and misuse.

HOLDINGS

1. A court may authorize discovery before the Rule 26(f) conference when the requesting party demonstrates good cause, including a need for expedited discovery that outweighs prejudice to the responding party. Strike 3 demonstrated good cause for a narrow subpoena seeking the Comcast subscriber's name and physical address.
2. At the early-discovery stage, Strike 3's allegations sufficiently pleaded a prima facie claim of direct copyright infringement and could withstand a motion to dismiss.
3. Good cause existed for a limited protective order treating information produced by Comcast in response to the subpoena as confidential under the Northern District of California's Model Protective Order for Standard Litigation.

KEY QUOTATIONS

“Good cause may be found where the need for expedited discovery, in consideration of the administration of justice, outweighs prejudice to the responding party.” (Discussion § I)

“Thus some limiting principals should apply to the determination of whether discovery to uncover the identity of a defendant is warranted.” (Discussion § I)

“Pursuant to the discussion herein, the Court GRANTS Strike 3’s ex parte application for leave to serve a limited, early third-party subpoena to Comcast seeking only the specific information described herein.”
(Conclusion)

FACTUAL BACKGROUND

Strike 3 alleged that Defendant Doe used BitTorrent to download and distribute unauthorized copies of Strike 3's copyrighted adult motion pictures. Strike 3 traced the alleged activity to IP address 73.252.130.71 and used MaxMind geolocation information to identify Comcast as the relevant internet service provider. Strike 3 represented that Comcast could identify the subscriber associated with that IP address and that the proposed subpoena would seek only the subscriber's name and physical address. Because the allegations involved sensitive adult material and the subscriber might be an innocent third party, the court also addressed privacy protections.

PROCEDURAL HISTORY

Strike 3 filed a copyright-infringement complaint against an unidentified defendant associated with IP address 73.252.130.71. Before the Rule 26(f) conference and before service on Doe, Strike 3 sought leave to subpoena Comcast for the subscriber's name and physical address. The court granted the limited early-discovery request and entered a protective order governing the confidentiality of information produced by Comcast.

DISPOSITION

other

CASES CITED

- United States v. Forrester, 512 F.3d 500, 510 n.5 (9th Cir. 2008)
- United States v. Henderson, 906 F.3d
- Nat'l Cable & Telecommunications Ass'n v. Brand X Internet Servs., 545 U.S. 967, 974 (2005)
- Columbia Ins. Co. v. seescandy.com, 185 F.R.D. 573, 575, 578–80 (N.D. Cal. 1999)
- UMG Recordings, Inc. v. Doe, No. 08-cv-1193-SBA, 2008 WL 4104214, at *1–2 (N.D. Cal. Sept. 3, 2008)
- Semitool, Inc. v. Tokyo Electron Am. Inc., 208 F.R.D. 273, 276 (N.D. Cal. 2002)
- Crawford-El v. Britton, 523 U.S. 574, 598–99 (1998)
- Quinn v. Anvil Corp., 620 F.3d 1005, 1015 (9th Cir. 2010)
- Med Vets, Inc. v. VIP Petcare Holdings, Inc., 811 F. App'x 422, 424 (9th Cir. 2020)
- Royal Plush Toys, Inc., 907 F. Supp. 1086, 1099 (N.D. Cal. 2012)
- Zoosk Inc. v. Doe, No. 10-cv-04545, 2010 WL 5115670, at *2 (N.D. Cal. Dec. 9, 2010)
- Young v. Transp. Deputy Sheriff I, 340 F. App'x 368, 369 (9th Cir. 2009)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999)
- Strike 3 Holdings LLC v. Doe, No. 18-cv-06938-WHO, 2019 WL 402358, at *2–3 (N.D. Cal. Jan. 31, 2019)
- Bell v. Wilmott Storage Servs., LLC, 12 F.4th 1065, 1071 (9th Cir. 2021)
- Perfect 10, Inc. v. Giganews, Inc., 847 F.3d 657, 666 (9th Cir. 2017)
- Fox Broad. Co. v. Dish Network L.L.C., 747 F.3d 1060, 1067 (9th Cir. 2013)
- Fahmy v. Jay-Z, 908 F.3d 383, 393–94 (9th Cir. 2018)

- Biesenbach v. Does 1–3, No. 21-cv-08091-DMR, 2022 WL 17371156, at *4 (N.D. Cal. July 18, 2022)
- Phillips ex rel. Ests. of Byrd v. General Motors Corp., 307 F.3d 1206, 1210–11 (9th Cir. 2002)
- Beckman Indus. v. Int’l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992)
- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir. 2000)
- Strike 3 Holdings, LLC v. Doe, 2018 WL 357287, at *2–4 (N.D. Cal. Jan. 10, 2018)
- Strike 3 Holdings, LLC v. Doe, No. 23-cv-01985-AMO, 2023 WL 3483288, at *2 (N.D. Cal. May 15, 2023)
- IO Grp., Inc. v. Does 1–19, No. C 10-03851 SI, 2010 WL 5071605, at *2–3 (N.D. Cal. Dec. 7, 2010)

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