

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 71.204.145.189

Strike 3 Holdings · No. 25-cv-10205-TSH · Decided December 29, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve a third-party Rule 45 subpoena on Comcast Cable Communications, LLC before a Rule 26(f) conference. The order establishes notice, challenge, preservation, production, and confidentiality requirements concerning identification of the subscriber assigned the specified IP address.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 29, 2025
DOCKET	25-cv-10205-TSH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for leave to serve a third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference.
STANDARD OF REVIEW	The court determined whether plaintiff had established good cause for expedited third-party discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

TOPICS

- discovery dispute
- civil procedure
- copyright infringement

PRACTICE AREAS

- civil procedure
- copyright law
- third-party discovery

QUESTIONS PRESENTED

1. Whether plaintiff showed good cause to serve a Rule 45 subpoena on the internet service provider before the Rule 26(f) conference.
2. What notice, objection, preservation, confidentiality, and use restrictions should govern the subpoena and any identifying information disclosed.

HOLDINGS

1. Plaintiff established good cause to serve a Rule 45 subpoena on Comcast Cable Communications, LLC, and on any subsequently identified internet service provider, before the Rule 26(f) conference.
2. The subpoena must be accompanied by the order and must provide the subscriber and the ISP specified periods to contest the subpoena; the ISP must preserve responsive information, provide required notice, and maintain the confidentiality of the subscriber's identity pending further court authorization or an opportunity to seek anonymous litigation.

KEY QUOTATIONS

“Plaintiff has established “good cause” exists to serve a third-party subpoena on the internet service provider, Comcast Cable Communications, LLC (the “ISP”).” (¶ 1)

FACTUAL BACKGROUND

Strike 3 Holdings brought a copyright infringement action against an unidentified subscriber associated with IP address 71.204.145.189. Because the defendant's identity was unknown, plaintiff sought identifying information from the internet service provider to which the IP address had been assigned. The court found good cause to permit the subpoena and imposed procedures protecting the subscriber's notice, ability to object, and anonymity.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright infringement action against an unidentified John Doe subscriber associated with a specified IP address. Before a Rule 26(f) conference, it sought leave to subpoena Comcast Cable Communications, LLC, or another identified service provider, for the subscriber's identifying information. The court granted the application subject to notice, challenge, preservation, confidentiality, and use restrictions.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. Sep. 3, 2008)
- Strike 3 Holdings, LLC v. Doe, 2023 WL 6542326, at *2 (N.D. Cal. Sept. 22, 2023)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
STRIKE 3 HOLDINGS, LLC, Case No. 25-cv-10205-TSH 8 Plaintiff, ORDER GRANTING EX-

PARTE 9 v. MOTION FOR LEAVE TO SERVE THIRD PARTY SUBPOENA PRIOR TO 10
JOHN DOE SUBSCRIBER ASSIGNED IP A RULE 26(F) CONFERENCE ADDRESS
71.204.145.189, 11 Re: Dkt. No. 8 Defendant. 12 13 14 THIS CAUSE came before the Court
upon Plaintiff's Ex-Parte Application for Leave to 15 Serve a Third-Party Subpoena Prior to a
Rule 26(f) Conference, and the Court being duly advised 16 does FIND, ORDER AND
ADJUDGE: 17 1.

Plaintiff has established "good cause" exists to serve a third-party subpoena on the 18 internet
service provider, Comcast Cable Communications, LLC (the "ISP"). See UMG 19 Recording, Inc.
v. Doe, 2008 WL 4104214, *4 (N.D. Cal. Sep. 3, 2008) (collecting cases); Strike 3 20 Holdings,
LLC v. Doe, 2023 WL 6542326, at *2 (N.D. Cal. Sept. 22, 2023). 21 2. Plaintiff may serve the ISP
with a Rule 45 subpoena commanding the ISP to provide the 22 true name and address of the
Defendant to whom the ISP assigned an IP address as set forth on 23 Exhibit A to the Complaint.

Plaintiff shall attach a copy of this Order to the subpoena; 24 3. Plaintiff may also serve a Rule 45
subpoena in the same manner on any service provider 25 that is identified in response to a
subpoena as a provider of Internet services to the Defendant; 26 4. If the ISP qualifies as a "cable
operator" under 47 U.S.C. § 522(5),¹ the ISP shall 27 1 comply with 47 U.S.C. § 551(c)(2)(B) by
sending a copy of this Order to the Defendant; and 2 5.

The ISP shall serve a copy of the subpoena and a copy of this order on the 3 || subscriber within 30
days of the date of service on the ISP. The ISP may serve the subscribers 4 || using any reasonable
means, including written notice sent to the subscriber's last known address, 5 || transmitted either
by first-class mail or via overnight service. 6 6. Each subscriber and the ISP shall have 30 days
from the date of service upon him, her, 7 or it to file any motions in this court contesting the
subpoena (including a motion to quash or 8 modify the subpoena).

If the 30-day period lapses without the subscriber contesting the subpoena, 9 || the ISP shall have
10 days to produce to Plaintiff the information responsive to the subpoena with 10 || respect to that
subscriber. 11 7.

The ISP shall preserve all subpoenaed information pending the ISP's delivering such 12 ||
information to Plaintiff or the final resolution of a timely filed motion to quash the subpoena with
5 13 respect to such information. 14 8. Plaintiff may only use the information disclosed in
response to a Rule 45 subpoena 15 served on the ISP for the purpose of protecting and enforcing
its rights as set forth in the 16 || Complaint.

Plaintiff may not publicly disclose the information obtained based on this subpoena 3 17 without
leave of the Court—at least until the Doe defendant has had an opportunity to file a S 18 motion to
proceed anonymously, or further discovery has been taken. All references to 19 || Defendant's
identity must be redacted and filed UNDER SEAL until further notice.

20 IT IS SO ORDERED. 21 22 Dated: December 29, 2025 THOMAS S. HIXSON 24 United
States Magistrate Judge 25 26 interest in such cable system, or (B) who otherwise controls or is
responsible for, through any 7 arrangement, the management and operation of such a cable
system.” 47 U.S.C. § 522(5). A cable operator may disclose such [personal identifying]
information if the disclosure is...

28 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[.]” 47 U.S.C. § 551(c)(2)(B).