

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
73.92.161.251

Strike 3 Holdings · No. 25-cv-10268-KAW · Decided January 27, 2026

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve subpoenas before the Rule 26(f) conference to identify the subscriber associated with a specified IP address. The order establishes notice, objection, preservation, production, sealing, and limited-use requirements for the subpoenas and disclosed information.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	A. Westmore
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 27, 2026
DOCKET	25-cv-10268-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena before the Rule 26(f) conference in a copyright infringement action against an unidentified subscriber.
STANDARD OF REVIEW	Good-cause standard for expedited third-party discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the opinion.

TOPICS

- discovery dispute
- civil procedure
- copyright infringement

PRACTICE AREAS

- Civil procedure
- Copyright

QUESTIONS PRESENTED

1. Whether good cause existed to permit service of a third-party Rule 45 subpoena before the Rule 26(f) conference.
2. What procedural safeguards should govern subpoenas seeking the identifying information of an Internet subscriber.

HOLDINGS

1. Good cause existed for Strike 3 Holdings to serve a Rule 45 subpoena on Comcast Cable Communications, LLC before the Rule 26(f) conference to obtain only the true name and address of the subscriber assigned IP address 73.92.161.251.
2. The authorized subpoenas were limited to identifying information, required notice to subscribers, allowed subscribers and ISPs 30 days to challenge the subpoenas, required preservation of subpoenaed information, restricted use of disclosed information to protecting copyright rights, and required filing documents containing identifying information under seal.

KEY QUOTATIONS

“Plaintiff has established that good cause exists for it to serve a third party subpoena on Comcast Cable Communications, LLC (“Initial ISP Provider”).” (1)

“any information disclosed to Plaintiff in response to a subpoena may be used by Plaintiff solely for the purpose of protecting its rights under the Copyright Act, 17 U.S.C. § 101 et seq.” (2)

FACTUAL BACKGROUND

Strike 3 Holdings alleged copyright infringement by a defendant identified only through IP address 73.92.161.251. The plaintiff sought the subscriber's true name and address from Comcast Cable Communications, LLC and any subsequently identified Internet service provider so that the Doe defendant could be identified.

PROCEDURAL HISTORY

Strike 3 Holdings filed an action against a John Doe defendant identified by an Internet Protocol address and moved ex parte for leave to subpoena the defendant's Internet service provider before the Rule 26(f) conference. The district court granted the motion and established notice, objection, preservation, production, confidentiality, and limited-use procedures.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, No. C 08-1193 SBA, 2008 WL 4104214, at *4 (N.D. Cal. Sept. 3, 2008)
- Arista Records LLC v. Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008)

OPINION

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 73.92.161.251

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 STRIKE 3 HOLDINGS, LLC, Case No. 25-cv-10268-KAW 8 Plaintiff, ORDER ON EX
PARTE MOTION FOR

LEAVE TO SERVE SUBPOENA PRIOR

9 v. TO RULE 26(f) CONFERENCE

10 JOHN DOE SUBSCRIBER ASSIGNED IP Re: Dkt. No. 9

ADDRESS 73.92.161.251,

11 Defendant. 12

13 Plaintiff, Strike 3 Holdings, LLC, moves ex parte for leave to serve a third party subpoena 14
prior to a Rule 26(f) conference. The Court finds that: 15 1. Plaintiff has established that good
cause exists for it to serve a third party subpoena on 16 Comcast Cable Communications, LLC
("Initial ISP Provider"). See UMG Recording, Inc. v. Doe, 17 No. C 08-1193 SBA, 2008 WL
4104214, at *4 (N.D. Cal. Sept. 3, 2008); Arista Records LLC v.

18 Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008).

19 2. Plaintiff may serve the Initial ISP Provider with a Rule 45 subpoena commanding it to 20
provide Plaintiff only with the true name and address of the Defendant to whom the Initial ISP 21
Provider assigned the IP address 73.92.161.251. Plaintiff shall attach a copy of this order to any 22
such subpoena. 23 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on
any 24 service provider that is identified in response to a subpoena as a provider of Internet
services to the 25 Defendant (together with the Initial ISP Provider, the "ISPs"). 26 /// 27 /// 1 4. IT
IS FURTHER ORDERED that subpoenas authorized by this order, and issued 2 pursuant thereto,
shall be deemed appropriate court orders under 47 U.S.C. § 551, which provides 3 that "[a] cable
operator may disclose [personally identifying] information if the disclosure is . . . 4 made pursuant
to a court order authorizing such disclosure, if the subscriber is notified of such 5 order by the
person to whom the order is directed." 47 U.S.C. § 551(c)(2)(B). This order is an 6 order
authorizing such disclosure. 7 5. IT IS FURTHER ORDERED that each ISP will have 30 days
from the date of service 8 upon it to serve each of its subscriber(s) whose identifying information
is sought with a copy of 9 the subpoena and a copy of this order. The ISPs may serve the
subscribers using any reasonable 10 means, including written notice sent to the subscriber's last
known address, transmitted either by 11 first-class mail or via overnight service. 12 6. IT IS
FURTHER ORDERED that each subscriber and each ISP shall have 30 days 13 from the date of
service upon him, her or it to file any motions in this court contesting the 14 subpoena (including a
motion to quash or modify the subpoena). If the 30-day period lapses 15 without the subscriber

contesting the subpoena, the ISP shall have 10 days to produce to Plaintiff 16 the information responsive to the subpoena with respect to that subscriber. 17 7. IT IS FURTHER ORDERED that any ISP that receives a subpoena shall preserve all 18 subpoenaed information pending the ISP's delivering such information to Plaintiff or the final 19 resolution of a timely filed motion to quash the subpoena with respect to such information. 20 8. IT IS FURTHER ORDERED that any information disclosed to Plaintiff in response to a 21 subpoena may be used by Plaintiff solely for the purpose of protecting its rights under the 22 Copyright Act, 17 U.S.C. § 101 et seq. 23 9. IT IS FURTHER ORDERED that any documents containing the name or other personal 24 identifying information of any current or proposed defendant shall be filed under seal. In so 25 doing, Strike 3 is instructed to follow the procedure set forth in Civil Local Rule 79-5 for all 26 documents that it seeks to file under seal. The redacted version of all documents in the public 27 record should redact only Defendant's name and any other personal identifying information.] may identify Defendant by name in the redacted portions of the sealed documents. 2 IT IS SO ORDERED. 3

Dated: January 27, 2026

4 DIS A. WESTMORE

5 United States Magistrate Judge 6 7 8 9 10 1] a 12 13 14 15 16 17 Z 18 19 20 21 22 23 24 25 26
27 28