

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 67.180.183.103

Strike 3 Holdings · No. 25-cv-03112-TSH · Decided April 28, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC’s ex parte motion for leave to serve a third-party Rule 45 subpoena on Comcast Cable Communications, LLC before a Rule 26(f) conference. The order establishes notice, objection, 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	April 28, 2025
DOCKET	25-cv-03112-TSH
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.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- discovery dispute
- civil procedure
- copyright infringement

PRACTICE AREAS

- civil procedure
- copyright litigation
- third-party discovery

QUESTIONS PRESENTED

1. Whether plaintiff established good cause to serve a third-party subpoena before the Rule 26(f) conference.
2. What notice, objection, preservation, and confidentiality safeguards should govern the subpoena and disclosure of the Doe defendant's identifying information.

HOLDINGS

1. Plaintiff established good cause to serve a Rule 45 subpoena on the internet service provider before the Rule 26(f) conference to obtain the true name and address of the Doe defendant associated with the identified IP address.
2. The ISP must notify the subscriber, and the subscriber and ISP may contest the subpoena within 30 days; the ISP must preserve the information, and plaintiff must limit use and seal references to the defendant's identity pending further court authorization or an opportunity to seek anonymous status.

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")." (at 1)

"Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on the ISP for the purpose of protecting and enforcing its rights as set forth in the Complaint." (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that the Doe defendant was associated with the identified IP address and sought the defendant's true name and address from the internet service provider assigned that address. The court found good cause to permit early third-party discovery and imposed procedures to notify the subscriber, allow motions to quash or modify, preserve subpoenaed information, and protect the subscriber's identity.

PROCEDURAL HISTORY

Plaintiff filed a copyright-infringement action against an unidentified defendant associated with IP address 67.180.183.103. The court granted plaintiff's ex parte application for leave to subpoena Comcast Cable Communications, LLC, and any subsequently identified internet-service provider before the Rule 26(f) conference, subject to notice, preservation, confidentiality, and objection procedures.

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)

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