

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PRECEDENTIAL VALUE	unpublished, nonprecedential district court order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)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
STRIKE 3 HOLDINGS, LLC, Case No. 25-cv-03112-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
67.180.183.103, 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: April 28, 2025 TAA. 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 1s...

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).