

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 24.7.93.236

Case No. 25-cv-03865-EMC, Docket No. 7 · No. 25-cv-03865-EMC; Docket No. 7 · Decided June 12, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC’s ex parte application to serve Comcast Cable with a Rule 45 subpoena before the Rule 26(f) conference. The subpoena seeks the name and address of the subscriber associated with IP address 24.7.93.236 in a copyright infringement action involving alleged BitTorrent distribution of 29 adult motion pictures. The order imposes notice, confidentiality, preservation, and use restrictions on the discovery.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward M. Chen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 12, 2025
DOCKET	25-cv-03865-EMC; Docket No. 7
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena on the Internet service provider before the Rule 26(f) conference in a copyright infringement action against an unidentified defendant.
STANDARD OF REVIEW	The court evaluated whether Strike 3 had established good cause for expedited third-party discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- discovery dispute
- copyright infringement
- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- copyright
- anonymous defendant discovery

QUESTIONS PRESENTED

1. Whether Strike 3 established good cause to serve a third-party Rule 45 subpoena on the ISP before the Rule 26(f) conference.
2. What notice, confidentiality, preservation, and use restrictions should govern the expedited discovery.

HOLDINGS

1. Strike 3 established good cause to serve Comcast Cable with a Rule 45 subpoena seeking the true name and address of the subscriber assigned IP address 24.7.93.236.
2. The ISP and Strike 3 must provide or request notice to the Doe subscriber, preserve subpoenaed information pending resolution of any timely motion to dismiss, and restrict use and public disclosure of identifying information absent further court authorization.

KEY QUOTATIONS

“Based on these materials, the Court finds Strike 3 has sufficiently established that it is entitled to the early discovery requested which will enable it to determine the true name and address of John Doe.” (at 1)

“a bare allegation that a defendant is the registered subscriber of an Internet Protocol (‘IP’) address associated with infringing activity is [in]sufficient to state a claim for direct or contributory infringement” (at 1)

FACTUAL BACKGROUND

Strike 3 alleged that John Doe infringed 29 of its adult motion pictures using the BitTorrent protocol. The alleged activity was associated with IP address 24.7.93.236, which had been assigned by Comcast Cable. Strike 3 sought the subscriber's true name and address so it could identify the Doe defendant.

PROCEDURAL HISTORY

Strike 3 Holdings sued John Doe for allegedly infringing 29 adult motion pictures through BitTorrent. Before the Rule 26(f) conference, Strike 3 applied ex parte for leave to subpoena Comcast Cable to identify the subscriber associated with the allegedly infringing IP address. The district court granted the application subject to notice, confidentiality, preservation, and use restrictions.

DISPOSITION

other

CASES CITED

- Strike 3 Holdings, LLC v. Doe, No. 23-cv-04339-RS, 2023 U.S. Dist. LEXIS 169496 (N.D. Cal. Sept. 22, 2023)
- Gonzales, 901 F.3d 1142, 1144 (9th Cir. 2018)

