

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Strike 3 Holdings, LLC v. John Doe

No. 1:26-cv-10770-JEK (D. Mass. Mar. 2, 2026) · No. 1:26-cv-10770-JEK · Decided March 2, 2026

SUMMARY

The United States District Court for the District of Massachusetts grants Strike 3 Holdings, LLC leave to serve Comcast Cable Communications, LLC with a third-party subpoena before the Rule 26(f) conference. The subpoena may seek only the name and address of the subscriber associated with IP address 73.100.68.211 in connection with alleged BitTorrent copyright infringement. The order imposes notice, objection, timing, confidentiality, and use restrictions to protect the subscriber's privacy.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Julia E. Kobick
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 2, 2026
DOCKET	1:26-cv-10770-JEK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sued an unidentified defendant for direct copyright infringement and moved under Federal Rule of Civil Procedure 26(d)(1) for leave to serve a Rule 45 subpoena on the defendant's internet service provider before the Rule 26(f) conference.
STANDARD OF REVIEW	The court applied the good-cause standard generally used in the District of Massachusetts for early third-party discovery under Rule 26(d)(1), weighing five factors derived from Sony Music. The court also concluded that the requested discovery satisfied Rule 26(b)(1)'s relevance and proportionality requirements.
PRECEDENTIAL VALUE	unknown

TOPICS

- discovery dispute
- third party practice
- copyright infringement
- copyright law
- civil procedure

PRACTICE AREAS

civil procedure

copyright litigation

early third-party discovery

anonymous defendant identification

QUESTIONS PRESENTED

1. Whether the court should authorize discovery from a third party before the Rule 26(f) conference under Federal Rule of Civil Procedure 26(d)(1) to identify an unknown copyright-infringement defendant.
2. Whether Strike 3 established good cause, including a prima facie claim, specificity, lack of alternative means, centrality of the requested information, and the defendant's privacy interest, for the requested subpoena.
3. Whether the requested early discovery was relevant and proportional under Federal Rule of Civil Procedure 26(b)(1).

HOLDINGS

1. A court may authorize a Rule 45 subpoena to a defendant's internet service provider before the Rule 26(f) conference when the requesting party establishes good cause under Rule 26(d)(1).
2. Strike 3 established good cause for early discovery because its allegations and supporting declarations adequately showed a prima facie copyright infringement claim, and the requested subscriber-identification information was specific, unavailable through alternative means, central to the action, and outweighed Doe's limited privacy interest.
3. The authorized subpoena may seek only the subscriber's name and address and is subject to advance notice, a 30-day opportunity to move to quash or contest, a stay of production during that period, confidentiality protections, and use limited to protecting and enforcing rights asserted in the complaint.

KEY QUOTATIONS

“To determine whether good cause exists, courts ordinarily weigh the following five factors: “(1) a concrete showing of a prima facie claim of actionable harm; (2) specificity of the discovery request; (3) the absence of alternative means to obtain the subpoenaed information; (4) a central need for the subpoenaed information to advance the claim; and (5) the party’s expectation of privacy.”” (Discussion)

“Strike 3 has therefore adequately established, for purposes of this motion, a copyright infringement claim.” (Discussion)

“Strike 3 may immediately serve a third-party subpoena, pursuant to Federal Rule of Civil Procedure 45, upon Comcast Cable Communications, LLC, requiring that it disclose only the name and address of the subscriber associated with IP address 73.100.68.211.” (Conclusion and Order)

FACTUAL BACKGROUND

Strike 3 owns registered copyrights in adult films and alleged that an unidentified Comcast subscriber associated with IP address 73.100.68.211 illegally downloaded and distributed 24 films through BitTorrent. Strike 3 used proprietary detection software and geolocation technology to identify the IP address and determine that the

subscriber resides in Massachusetts. Comcast was alleged to possess the subscriber's name and address, which Strike 3 sought to obtain to serve Doe and continue the action.

PROCEDURAL HISTORY

Strike 3 Holdings initiated a copyright infringement action against John Doe, identified only by an IP address. It moved for leave to subpoena Comcast Cable Communications, LLC, for Doe's name and mailing address so that it could effectuate service. The district court granted the motion subject to notice, objection, production-timing, confidentiality, and use restrictions.

DISPOSITION

other

CASES CITED

- Strike 3 Holdings, LLC v. Doe, No. 24-cv-11654-AK, 2024 WL 3472404, at *2 (D. Mass. July 19, 2024)
- Strike 3 Holdings, Inc. v. Doe, 677 F. Supp. 3d 1, 4-7 (D. Mass. 2023)
- Sony Music Entm't Inc. v. Does 1-40, 326 F. Supp. 2d 556, 564-65 (S.D.N.Y. 2004)
- Strike 3 Holdings, LLC v. Doe, No. 23-cv-11716-GAO, 2023 WL 5485794, at *1 (D. Mass. Aug. 18, 2023)
- Perea v. Editorial Cultural, Inc., 13 F.4th 43, 52 (1st Cir. 2021)
- Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340, 361 (1991)
- Strike 3 Holdings, LLC v. Doe, 964 F.3d 1203, 1205-09 (D.C. Cir. 2020)
- Viken Detection Corp. v. Doe, No. 19-cv-12034-NMG, 2019 WL 5268725, at *1 (D. Mass. Oct. 17, 2019)