

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
73.252.184.71

Strike 3 Holdings · No. 25-cv-03890-TSH · Decided May 19, 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 the 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	May 19, 2025
DOCKET	25-cv-03890-TSH
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 an action against an unidentified subscriber.
STANDARD OF REVIEW	Good-cause standard for permitting expedited discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

- civil procedure
- copyright law
- discovery

QUESTIONS PRESENTED

1. Whether good cause existed to permit service of a third-party Rule 45 subpoena on the Internet service provider before a Rule 26(f) conference.
2. What notice, objection, preservation, production, and confidentiality conditions should govern the subpoena.

HOLDINGS

1. Good cause existed for Plaintiff to serve a Rule 45 subpoena on Comcast Cable Communications, LLC, and any subsequently identified Internet service provider, to obtain the true name and address of the Doe defendant associated with the specified IP address.
2. The ISP must provide notice to the subscriber, allow 30 days for motions contesting the subpoena, preserve responsive information, and withhold production until the objection period expires or a timely motion is finally resolved; disclosure is restricted to protecting and enforcing Plaintiff's rights and must remain under seal absent further court authorization.

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")." (Order ¶ 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." (Order ¶ 8)

FACTUAL BACKGROUND

Strike 3 Holdings, LLC sued a John Doe subscriber associated with IP address 73.252.184.71. Plaintiff sought discovery from Comcast Cable Communications, LLC, or another identified Internet service provider, to obtain the Doe defendant's true name and address. The court authorized the requested subpoena subject to notice, an opportunity to move to quash or modify, preservation obligations, and restrictions on disclosure.

PROCEDURAL HISTORY

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