

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 99.73.34.75

No. 25-cv-03885-JCS (N.D. Cal. May 23, 2025) · No. 25-cv-03885-JCS · Decided May 23, 2025

SUMMARY

The United States District Court for the Northern District of California granted Strike 3 Holdings, LLC leave to serve AT&T Inc. and potentially other internet service providers with Rule 45 subpoenas before the Rule 26(f) conference. The subpoenas seek the identity and address of the subscriber assigned IP address 99.73.34.75, subject to notice, an opportunity to contest, preservation, and confidentiality requirements.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Joseph C. Spero
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 23, 2025
DOCKET	25-cv-03885-JCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an ex parte application for leave to serve a third-party subpoena on an Internet service provider before the Rule 26(f) conference.
STANDARD OF REVIEW	Good cause is required for leave to serve a third-party subpoena before the Rule 26(f) conference.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- third party practice
- copyright infringement
- civil procedure
- service of process

PRACTICE AREAS

- copyright
- civil procedure
- discovery

QUESTIONS PRESENTED

1. Whether plaintiff established good cause to serve a Rule 45 subpoena on AT&T Inc. before the Rule 26(f) conference.
2. What notice, objection, preservation, production, confidentiality, and use restrictions should govern the authorized subpoenas.

HOLDINGS

1. Plaintiff established good cause to serve AT&T Inc. with a Rule 45 subpoena before the Rule 26(f) conference.
2. Plaintiff may serve AT&T Inc., and any service provider identified in response as providing Internet services to the defendant, with Rule 45 subpoenas seeking the defendant's true name and address, subject to the order's notice, objection, preservation, production, confidentiality, and use restrictions.

KEY QUOTATIONS

“Plaintiff has established that “good cause” exists for it to serve a third party subpoena on AT&T Inc.” (at 1)

“This order is an order authorizing such disclosure.” (at 1)

“any current or proposed defendant shall be filed UNDER SEAL in all filings and not otherwise disclosed.”
(at 2)

FACTUAL BACKGROUND

The defendant was identified in the caption by the IP address 99.73.34.75, and plaintiff sought the subscriber's true name and address from AT&T Inc. The court authorized early third-party discovery and permitted additional subpoenas to service providers identified in response to the initial subpoena.

PROCEDURAL HISTORY

Strike 3 Holdings, LLC brought an action against a Doe defendant identified by an IP address and sought early discovery from AT&T Inc. to learn the defendant's identity and address. The court granted the ex parte application and established notice, objection, preservation, production, and confidentiality procedures for the subpoena.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. 2008)
- Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6-7 (D.D.C. 2008)

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