

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 99.73.34.75

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

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STRIKE 3 HOLDINGS, LLC,

7 Case No. 25-cv-03885-JCS Plaintiff, 8

v. ORDER ON EX-PARTE

9 APPLICATION FOR LEAVE TO

JOHN DOE SUBSCRIBER ASSIGNED IP SERVE THIRD-PARTY SUBPOENA

10 ADDRESS 99.73.34.75, PRIOR TO A RULE 26(F)

CONFERENCE

11 Defendant. Re: Dkt. No. 7 12 13 Plaintiff Strike 3 Holdings, LLC moves ex parte for leave to
serve a third party subpoena 14 prior to a Rule 26(f) conference. The Court being duly advised
does hereby FIND, ORDER 15 AND ADJUDGE: 16

1. Plaintiff has established that “good cause” exists for it to serve a third party

17 subpoena on AT&T Inc. See UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. 18
2008); and Arista Records LLC v. Does 1-19, 551 F. Supp. 2d 1, 6-7 (D.D.C. 2008). 19

2. Plaintiff may serve AT&T Inc. with a Rule 45 subpoena commanding AT&T Inc.

20 to provide Plaintiff with the true name and address of the Defendant to whom AT&T Inc. 21
assigned the IP address 99.73.34.75. Plaintiff shall attach to any such subpoena a copy of this 22
Order. 23

3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on any

24 service provider that is identified in response to a subpoena as a provider of Internet services to
25 Defendant (together with AT&T Inc., the “ISPs”). 26 27 1 4. IT IS FURTHER ORDERED that

subpoenas authorized by this order and issued 2 pursuant thereto shall be deemed appropriate
court orders under 47 U.S.C. § 551. In particular, 47 3 U.S.C. § 551(c)(2)(B) provides as follows:

4 (c) Disclosure of personally identifiable information 5 [. . .] 6 (2) A cable operator may disclose
such information if the disclosure is— [. . .] 7 (B) subject to subsection (h) [relating to disclosures

to governmental 8 agencies] of this action, made pursuant to a court order authorizing such
disclosure, if the subscriber is notified of such order by the person to whom 9 the order is directed

. . . . 10 This order is an order authorizing such disclosure. 11 5. IT IS FURTHER ORDERED that
each ISP will have 30 days from the date of 12 service upon it to serve each of its subscriber(s)

whose identity information is sought with a copy 13 of the subpoena and a copy of this order. The
ISPs may serve the subscribers using any 14 reasonable means, including written notice sent to the

subscriber’s last known address, transmitted 15 either by first-class mail or via overnight service.
16 6. IT IS FURTHER ORDERED that each subscriber and each ISP shall have 30 17 days from

the date of service upon him, her or it to file any motions in this court contesting the subpoena (including a motion to quash or modify the subpoena). If the 30-day period after service on the subscriber lapses without the subscriber or the ISP contesting the subpoena, the ISP shall have 10 days to produce to Plaintiff the information responsive to the subpoena with respect to that subscriber. 7. IT IS FURTHER ORDERED that any ISP that receives a subpoena shall preserve all subpoenaed information pending the ISP's delivering such information to Plaintiff or the final resolution of a timely filed motion to quash the subpoena with respect to such information. 8. IT IS FURTHER ORDERED that any information disclosed to Plaintiff in response to a subpoena may be used by Plaintiff solely for the purpose of protecting its rights under the Copyright Act, 17 U.S.C. § 101 et seq. 1 any current or proposed defendant shall be filed UNDER SEAL in all filings and not otherwise 2 || disclosed. 3 IT IS SO ORDERED. 4 5 Dated: May 23, 2025 6

J PH C. SPERO

7 nited States Magistrate Judge 8 9 10 11 12 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28