

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
98.51.3.252

Strike 3 Holdings · No. 25-cv-01608-RS · Decided March 3, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve Rule 45 subpoenas on Comcast or other identified internet service providers to discover the identity of the subscriber associated with IP address 98.51.3.252. The order imposes safeguards concerning notice, anonymity, confidentiality, use of disclosed information, subpoena costs, and preservation of information.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Richard Seeborg
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 3, 2025
DOCKET	25-cv-01608-RS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 26(d) for leave to serve a Rule 45 subpoena before the Rule 26(f) conference to identify the Doe defendant associated with a specified IP address.
STANDARD OF REVIEW	Good cause is required for early discovery before the Rule 26(f) conference. The court evaluates whether the Doe defendant is identified with sufficient specificity, whether the plaintiff has taken reasonable steps to identify the defendant, whether the complaint can withstand a motion to dismiss, and whether the requested discovery is reasonably likely to lead to identifying information permitting service.
PRECEDENTIAL VALUE	Unknown; district court order with no precedential-status designation in the source metadata.

TOPICS

discovery dispute

service of process

copyright infringement

civil procedure

PRACTICE AREAS

copyright

civil procedure

QUESTIONS PRESENTED

1. Whether the plaintiff demonstrated good cause under Federal Rule of Civil Procedure 26(d) to obtain early discovery before the Rule 26(f) conference.
2. Whether the court should authorize Rule 45 subpoenas directed to the ISP and any follow-on Internet service provider to identify the Doe defendant.
3. What procedural safeguards were necessary to protect the Doe defendant from undue prejudice, including notice, anonymity, confidentiality, sealing, preservation, and cost-related protections.

HOLDINGS

1. The plaintiff demonstrated good cause for early discovery because it identified the Doe defendant with sufficient specificity, described the steps taken to locate the defendant, presented allegations sufficiently plausible to withstand dismissal, and showed that the subpoena was reasonably likely to produce information identifying the defendant for service.
2. Leave to serve the subpoenas was granted subject to conditions requiring notice to the subscriber, an opportunity to seek anonymous treatment, restricted use and sealing of identifying information, an affidavit concerning proposed confidentiality, limits on advance ISP charges, production of billing support for claimed costs, and preservation of subpoenaed information pending resolution of a timely motion to dismiss.

KEY QUOTATIONS

“Although there is no certainty that the “John Doe” account holder is the person who engaged in the allegedly wrongful distribution, Strike 3’s allegations are sufficiently plausible to permit discovery as to the account holder’s identity.” (at 1)

“In evaluating whether a plaintiff establishes good cause to learn the identity of a Doe defendant through early discovery, courts examine whether the plaintiff: (1) identifies the Doe defendant with sufficient specificity that the court can determine if the defendant is a real person who can be sued in federal court; (2) recounts the steps taken to locate and identify the defendant; (3) demonstrates the action can withstand a motion to dismiss; and (4) shows the discovery is reasonably likely to lead to identifying information that will permit service of process.” (at 2)

“To ensure Doe is not unduly prejudiced, Strike 3 must attempt to ensure Doe knows at the earliest possible opportunity that he or she can proceed anonymously, as ordered below.” (at 3)

FACTUAL BACKGROUND

Strike 3 alleged that an unidentified defendant used IP address 98.51.3.252 to distribute Strike 3's copyrighted films without authorization. The IP address was known, but only Comcast or another associated Internet service provider could identify the subscriber assigned that address. The court recognized that the subscriber might not be the person who engaged in the alleged distribution, but found the allegations sufficiently plausible to permit discovery of the account holder's identity.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unidentified subscriber associated with IP address 98.51.3.252. Because Comcast, the Internet service provider, possessed the information identifying the account holder, Strike 3 sought early discovery. The court granted leave to serve subpoenas subject to notice, confidentiality, preservation, and cost-related conditions.

DISPOSITION

other

CASES CITED

- *Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 275-77 (N.D. Cal. 2002)
- *Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 578-80 (N.D. Cal. 1999)
- *Wakefield v. Thompson*, 177 F.3d 1160, 1163 (9th Cir. 1999)
- *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)
- *Strike 3 Holdings, LLC v. Doe*, 351 F. Supp. 3d 160, 161-62 (D.D.C. 2018), rev'd and remanded, 964 F.3d 1203, 1205 (D.C. Cir. 2020)
- *Ingenuity 13 LLC v. Doe*, 2013 WL 1898633, at *1 (C.D. Cal. May 6, 2013)
- *Strike 3 Holdings, LLC v. Doe*, No. 22-cv-08977-RS (N.D. Cal. Jan. 24, 2023)
- *Strike 3 Holdings, LLC v. Doe*, No. 22-cv-05160-RS, 2022 WL 5007963 (N.D. Cal. Oct. 4, 2022)
- *Strike 3 Holdings, LLC v. Doe*, No. 22-cv-05088-LB, 2022 WL 4467684 (N.D. Cal. Sept. 27, 2022)
- *Strike 3 Holdings, LLC v. Doe*, No. 22-cv-04577-MMC (LB), 2022 WL 4021841 (N.D. Cal. Sept. 2, 2022)