

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO DIVISION

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
73.241.1.145

Strike 3 Holdings · No. 25-cv-03111-PHK · Decided June 13, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave under Federal Rule of Civil Procedure 26(d) to serve Comcast with a limited third-party subpoena seeking the name and physical address associated with IP address 73.241.1.145. The Court also issues a limited protective order requiring confidential treatment of information produced in response to the subpoena because of the sensitive nature of the alleged adult-motion-picture copyright infringement and the possibility that the subscriber may be an innocent third party.

CASE DETAILS

COURT	United States District Court for the Northern District of California, San Francisco Division
WRITING FOR THE COURT	Peter H. Kang
JURISDICTION	United States District Court for the Northern District of California, San Francisco Division
DECIDED	June 13, 2025
DOCKET	25-cv-03111-PHK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave under Federal Rule of Civil Procedure 26(d)(1) to serve Comcast with a third-party subpoena before the Rule 26(f) conference in order to identify the Doe defendant. The court granted the application and sua sponte issued a limited protective order under Rule 26(c).
STANDARD OF REVIEW	The decision whether to allow early discovery under Rule 26(d) is reviewed for abuse of discretion; denial will not be disturbed absent a clear showing of actual and substantial prejudice. The district court has broad discretion to tailor and sequence discovery.

PRECEDENTIAL VALUE

Unknown; district court order with no reporter or neutral citation identified

TOPICS

discovery dispute

civil procedure

copyright infringement

copyright law

intellectual property

PRACTICE AREAS

civil procedure

copyright law

discovery

QUESTIONS PRESENTED

1. Whether Strike 3 demonstrated good cause for leave to serve a limited third-party subpoena before the Rule 26(f) conference to identify the Doe defendant.
2. Whether good cause existed for the court to issue a limited protective order protecting the confidentiality of information produced by Comcast and preserving the potential subscriber's ability to seek anonymous litigation status.

HOLDINGS

1. A court may authorize discovery before the Rule 26(f) conference when the requesting party establishes good cause, and Strike 3 established good cause for the proposed limited subpoena to Comcast.
2. The court may issue a protective order sua sponte for good cause, and good cause existed to require confidential treatment of information produced in response to the subpoena because disclosure could cause annoyance, embarrassment, oppression, or unfairness concerning sensitive allegations and could affect an innocent third party.

KEY QUOTATIONS

"The Court GRANTS leave to serve the limited, proposed third-party subpoena on Comcast prior to the Rule 26(f) conference in this matter." (Discussion § I)

"Further, the Court ISSUES a limited Protective Order as discussed herein pursuant to Fed. R. Civ. P. 26(c)." (Conclusion)

FACTUAL BACKGROUND

Strike 3 alleged that Doe used BitTorrent to download and distribute unauthorized copies of its copyrighted adult motion pictures. Strike 3's investigation allegedly linked the activity to IP address 73.241.1.145, which geolocation information identified as being associated with Comcast in the Northern District of California. Strike 3 represented that Comcast could identify the subscriber associated with the IP address and that the proposed subpoena would seek only the subscriber's name and physical address. Because the information concerned allegations involving adult films and might identify an innocent third party rather than the actual infringer, the court also addressed privacy protections.

PROCEDURAL HISTORY

Strike 3 filed a copyright-infringement complaint against an unidentified defendant associated with IP address 73.241.1.145. Before the Rule 26(f) conference and before service on Doe, Strike 3 applied for leave to subpoena Comcast for the subscriber's name and physical address. The court granted the application and issued a limited protective order governing information produced in response to the subpoena.

DISPOSITION

other

CASES CITED

- United States v. Henderson, 906 F.3d
- United States v. Forrester, 512 F.3d 500, 510 n.5 (9th Cir. 2008)
- Nat'l Cable & Telecommunications Ass'n v. Brand X Internet Servs., 545 U.S. 967, 974 (2005)
- Columbia Ins. Co. v. seescandy.com, 185 F.R.D. 573, 575, 578-80 (N.D. Cal. 1999)
- UMG Recordings, Inc. v. Doe, No. 08-cv-1193-SBA, 2008 WL 4104214, at *1-*2 (N.D. Cal. Sept. 3, 2008)
- Semitool, Inc. v. Tokyo Electron Am. Inc., 208 F.R.D. 273, 276 (N.D. Cal. 2002)
- Crawford-El v. Britton, 523 U.S. 574, 598-99 (1998)
- Quinn v. Anvil Corp., 620 F.3d 1005, 1015 (9th Cir. 2010)
- Med Vets, Inc. v. VIP Petcare Holdings, Inc., 811 F. App'x 422, 424 (9th Cir. 2020)
- Royal Plush Toys, Inc., 907 F. Supp. 1086, 1099 (N.D. Cal. 2012)
- Zoosk Inc. v. Doe, No. 10-cv-04545, 2010 WL 5115670, at *2 (N.D. Cal. Dec. 9, 2010)
- Young v. Transp. Deputy Sheriff I, 340 F. App'x 368, 369 (9th Cir. 2009)
- Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)
- Wakefield v. Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999)
- Strike 3 Holdings LLC v. Doe, No. 18-cv-06938-WHO, 2019 WL 402358, at *2-*3 (N.D. Cal. Jan. 31, 2019)
- Bell v. Wilmott Storage Servs., LLC, 12 F.4th 1065, 1071 (9th Cir. 2021)
- Perfect 10, Inc. v. Giganews, Inc., 847 F.3d 657, 666 (9th Cir. 2017)
- Fox Broad. Co. v. Dish Network L.L.C., 747 F.3d 1060, 1067 (9th Cir. 2013)
- Fahmy v. Jay-Z, 908 F.3d 383, 393-94 (9th Cir. 2018)
- Biesenbach v. Does 1-3, No. 21-cv-08091-DMR, 2022 WL 17371156, at *4 (N.D. Cal. July 18, 2022)
- Phillips ex rel. Ests. of Byrd v. General Motors Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002)
- Beckman Indus. v. Int'l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992)
- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir. 2000)
- Strike 3 Holdings, LLC v. Doe, No. 18-cv-06938-WHO, 2018 WL 357287, at *3-*4 (N.D. Cal. Jan. 10, 2018)
- Strike 3 Holdings, LLC v. Doe, No. 23-cv-01985-AMO, 2023 WL 3483288, at *2 (N.D. Cal. May 15, 2023)
- IO Grp., Inc. v. Does 1-19, No. C 10-03851 SI, 2010 WL 5071605, at *2-*3 (N.D. Cal. Dec. 7, 2010)

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