

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Strike 3 Holdings, LLC v. John Doe, subscriber assigned IP address
73.87.191.96

Strike 3 Holdings · No. JKB-25-4242 · Decided January 8, 2026

SUMMARY

The United States District Court for the District of Maryland grants Strike 3 Holdings, LLC permission to conduct expedited discovery to identify the subscriber associated with an IP address allegedly used to infringe Strike 3's copyrights. The order permits service of a subpoena on the internet service provider, subject to notice, an opportunity to move to quash, confidentiality restrictions, limits on further discovery, and court-supervised settlement communications. The action concerns alleged BitTorrent downloading of copyrighted adult films.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	James K. Bredar
JURISDICTION	United States District Court for the District of Maryland
DECIDED	January 8, 2026
DOCKET	JKB-25-4242
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve a third-party subpoena on the defendant's Internet service provider before the Rule 26(f) conference in order to identify the anonymous defendant associated with an allegedly infringing IP address.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- copyright infringement
- discovery dispute
- civil procedure
- trade secrets

PRACTICE AREAS

- Copyright
- Civil Procedure
- Discovery
- Remedies

QUESTIONS PRESENTED

1. Whether Strike 3 should be permitted to conduct expedited third-party discovery before the Rule 26(f) conference to identify the anonymous defendant associated with the allegedly infringing IP address.
2. What conditions should govern the subpoena, disclosure, use of subscriber information, any deposition, and settlement communications.

HOLDINGS

1. The court granted Strike 3 leave to obtain and serve a Rule 45 subpoena on the Internet service provider before the Rule 26(f) conference to identify the Doe subscriber associated with the IP address.
2. The subpoena could issue only subject to specified safeguards, including ISP notice, a 30-day opportunity for the subscriber to move to quash, anonymous motion practice with identifying information provided confidentially to the clerk, highly confidential treatment of produced information, restricted use and disclosure, limited deposition discovery, court supervision of settlement communications, and certifications by Strike 3 and its counsel.

KEY QUOTATIONS

“Accordingly, those limitations remain in effect until and unless modified by an order of this Court and do not expire at the conclusion of this litigation, irrespective of whether by entry of judgment, stipulation of dismissal, voluntary dismissal by Plaintiff, or other resolution.”

FACTUAL BACKGROUND

Strike 3 alleged that an unidentified person using IP address 73.87.191.96 downloaded copyrighted adult films through the BitTorrent file-distribution network. Because the defendant was identified only through the IP address assigned by an Internet service provider, Strike 3 sought expedited discovery to obtain the subscriber's identity. The court recognized that an IP address may identify an account holder rather than the individual who performed the alleged downloading and that similar cases had raised concerns about abusive settlement practices and mistaken identification.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against a John Doe defendant identified only by an IP address. Before the parties' Rule 26(f) conference, Strike 3 moved under the Federal Rules of Civil Procedure for permission to issue a Rule 45 subpoena to the relevant Internet service provider. The district court granted the motion subject to notice, confidentiality, anti-harassment, settlement, certification, and discovery limitations.

DISPOSITION

other

CASES CITED

- Patrick Collins, Inc. v. Doe 1, 288 F.R.D. 233, 237-39 (E.D.N.Y. 2012)
- Digital Sin, Inc. v. Does 1-176, 279 F.R.D. 239, 242 (S.D.N.Y. 2012)

- K-Beech, Inc. v. Does 1-85, No. 3:11cv469-JAG, at 4 (E.D. Va. Oct. 5, 2011), ECF No. 9

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