

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
162.234.254.79

Strike 3 Holdings · No. 25-cv-06468-KAW · Decided August 25, 2025

SUMMARY

The court grants Strike 3 Holdings, LLC leave to serve Rule 45 subpoenas on AT&T Internet and any subsequently identified internet service providers before the Rule 26(f) conference. The subpoenas may seek only the name and address associated with IP address 162.234.254.79, subject to notice, preservation, challenge, sealing, and permitted-use requirements.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Andis A. Westmore
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 25, 2025
DOCKET	25-cv-06468-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for leave to serve a third-party subpoena before the Rule 26(f) conference in a copyright-infringement action against an unidentified subscriber.
STANDARD OF REVIEW	Good-cause standard for authorization of expedited discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation or stated precedential designation.

TOPICS

- discovery dispute
- third party practice
- copyright infringement
- copyright law
- civil procedure

PRACTICE AREAS

- civil procedure
- copyright infringement
- intellectual property

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause to serve a third-party subpoena seeking the identity and address of an unknown defendant before the Rule 26(f) conference.
2. What procedural protections should govern the subpoenas and disclosure of subscriber-identifying information.

HOLDINGS

1. Plaintiff established good cause to serve a Rule 45 subpoena on AT&T Internet, and on any subsequently identified Internet service provider, for the true name and address of the subscriber assigned IP address 162.234.254.79.
2. The authorized subpoenas must be accompanied by this order, provide notice to affected subscribers, allow 30 days to contest the subpoena, require preservation pending resolution, restrict use of disclosed information to protection of Plaintiff's Copyright Act rights, and require filing identifying information under seal.

KEY QUOTATIONS

"IT IS FURTHER ORDERED that subpoenas authorized by this order, and issued pursuant thereto, shall be deemed appropriate court orders under 47 U.S.C. § 551" (§ 4)

"If the 30-day period lapses without the subscriber contesting the subpoena, the ISP shall have 10 days to produce to Plaintiff the information responsive to the subpoena with respect to that subscriber." (§ 6)

FACTUAL BACKGROUND

Strike 3 Holdings alleged copyright-related claims against a Doe defendant associated with IP address 162.234.254.79. Because the defendant's identity was unknown, Plaintiff sought permission to subpoena AT&T Internet and any subsequently identified Internet service providers for the defendant's true name and address. The court found good cause for the requested early discovery and imposed procedural safeguards governing notice, challenges, preservation, sealing, and use of the information.

PROCEDURAL HISTORY

Strike 3 Holdings filed an action against John Doe, identified by an IP address, and sought early discovery from the subscriber's Internet service provider. The court granted leave to serve subpoenas on the initial ISP and subsequently identified Internet service providers, subject to notice, an opportunity to move to quash or modify, preservation, confidentiality, and use restrictions.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, No. C 08-1193 SBA, 2008 WL 4104214, at *4 (N.D. Cal. Sept. 3, 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 162.234.254.79

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 STRIKE 3 HOLDINGS, LLC, Case No. 25-cv-06468-KAW 8 Plaintiff, ORDER ON EX
PARTE MOTION FOR

LEAVE TO SERVE SUBPOENA PRIOR

9 v. TO RULE 26(f) CONFERENCE

10 JOHN DOE SUBSCRIBER ASSIGNED IP Re: Dkt. No. 8

ADDRESS 162.234.254.79,

11 Defendant. 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 finds that: 15 1. Plaintiff has established that good
cause exists for it to serve a third party subpoena on 16 AT&T Internet (“Initial ISP Provider”).
See UMG Recording, Inc. v. Doe, No. C 08-1193 SBA, 17 2008 WL 4104214, at *4 (N.D. Cal.
Sept. 3, 2008); Arista Records LLC v. Does 1–19, 551 F.

18 Supp. 2d 1, 6–7 (D.D.C. 2008).

19 2. Plaintiff may serve the Initial ISP Provider with a Rule 45 subpoena commanding it to 20
provide Plaintiff only with the true name and address of the Defendant to whom the Initial ISP 21
Provider assigned the IP address 162.234.254.79. Plaintiff shall attach a copy of this order to any
22 such subpoena. 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 the 25 Defendant (together with the Initial ISP Provider, 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, which provides 3 that “[a] cable
operator may disclose [personally identifying] information if the disclosure is . . . 4 made pursuant
to a court order authorizing such disclosure, if the subscriber is notified of such 5 order by the
person to whom the order is directed.” 47 U.S.C. § 551(c)(2)(B). This order is an 6 order
authorizing such disclosure. 7 5. IT IS FURTHER ORDERED that each ISP will have 30 days
from the date of service 8 upon it to serve each of its subscriber(s) whose identifying information
is sought with a copy of 9 the subpoena and a copy of this order. The ISPs may serve the
subscribers using any reasonable 10 means, including written notice sent to the subscriber’s last
known address, transmitted either by 11 first-class mail or via overnight service. 12 6. IT IS
FURTHER ORDERED that each subscriber and each ISP shall have 30 days 13 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 lapses without the subscriber 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. 9. IT IS FURTHER ORDERED that any documents containing the name or other personal identifying information of any current or proposed defendant shall be filed under seal. In so doing, Strike 3 is instructed to follow the procedure set forth in Civil Local Rule 79-5 for all documents that it seeks to file under seal. The redacted version of all documents in the public record should redact only Defendant's name and any other personal identifying information. 1 may identify Defendant by name in the redacted portions of the sealed documents. 2 IT IS SO ORDERED. 3 ||

Dated: August 25, 2025

4 ANDIS A. WESTMORE

5 Unite# States Magistrate Judge 6 7 8 9 10 11 a 12 © 15 16 it Z 18 19 20 21 22 23 24 25 26 27 28