

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 98.35.60.227

Case No. 25-cv-04750-TSH (N.D. Cal. June 20, 2025) · No. 25-cv-04750-TSH · Decided June 20, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve Comcast Cable Communications, LLC, and potentially other identified service providers, with Rule 45 subpoenas before a Rule 26(f) conference. The order establishes notice, objection, preservation, production, and confidentiality requirements concerning disclosure of the identity and address of the subscriber assigned the specified IP address.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 20, 2025
DOCKET	25-cv-04750-TSH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena on the defendant's internet service provider before the Rule 26(f) conference in a copyright-infringement action against an unidentified defendant.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- discovery dispute
- civil procedure
- copyright law
- copyright infringement

PRACTICE AREAS

- civil procedure
- copyright

QUESTIONS PRESENTED

1. Whether good cause existed to permit service of a Rule 45 third-party subpoena on the defendant's internet service provider before the Rule 26(f) conference.
2. What notice, challenge, preservation, and confidentiality safeguards should govern disclosure of the Doe subscriber's identifying information.

HOLDINGS

1. Good cause existed to permit Plaintiff to serve a Rule 45 subpoena on the internet service provider before the Rule 26(f) conference to obtain the true name and address of the subscriber assigned the identified IP address.
2. The subpoena must be accompanied by the order, the provider must notify the subscriber and provide an opportunity to move to quash or modify, subpoenaed information must be preserved pending production or resolution of a timely challenge, and identifying information must be kept under seal and used only to protect and enforce Plaintiff's rights in the action.

KEY QUOTATIONS

"Plaintiff has established "good cause" exists to serve a third-party subpoena on the internet service provider, Comcast Cable Communications, LLC (the "ISP")." (Order ¶ 1)

"Plaintiff may only use the information disclosed in response to a Rule 45 subpoena served on the ISP for the purpose of protecting and enforcing its rights as set forth in the Complaint." (Order ¶ 8)

FACTUAL BACKGROUND

Plaintiff alleged that an internet service provider assigned IP address 98.35.60.227 to the unidentified defendant. Plaintiff sought the subscriber's true name and address from Comcast Cable Communications, LLC or another service provider identified through subpoena responses. The court found good cause to permit early third-party discovery while protecting the subscriber's opportunity to contest the subpoena and seek anonymous treatment.

PROCEDURAL HISTORY

Strike 3 Holdings filed an action against John Doe, identified by the internet protocol address 98.35.60.227, and moved for leave to serve Comcast Cable Communications, LLC, or another identified service provider, with a subpoena seeking the Doe defendant's name and address before a Rule 26(f) conference. The court granted the application subject to notice, preservation, confidentiality, and challenge procedures.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. Sep. 3, 2008)
- Strike 3 Holdings, LLC v. Doe, 2023 WL 6542326, at *2 (N.D. Cal. Sept. 22, 2023)

OPINION

Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address 98.35.60.227

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-04750-TSH 8 Plaintiff,

ORDER GRANTING EX-PARTE

9 v. MOTION FOR LEAVE TO SERVE

THIRD PARTY SUBPOENA PRIOR TO

10 JOHN DOE SUBSCRIBER ASSIGNED IP A RULE 26(F) CONFERENCE

ADDRESS 98.35.60.227,

11 Re: Dkt. No. 8 Defendant. 12 13 14 THIS CAUSE came before the Court upon Plaintiff's Ex-
Parte Application for Leave to 15 Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference,
and the Court being duly advised 16 does FIND, ORDER AND ADJUDGE: 17 1. Plaintiff has
established "good cause" exists to serve a third-party subpoena on the 18 internet service provider,
Comcast Cable Communications, LLC (the "ISP"). See UMG 19 Recording, Inc. v. Doe, 2008
WL 4104214, *4 (N.D. Cal. Sep. 3, 2008) (collecting cases); Strike 3 20 Holdings, LLC v. Doe,
2023 WL 6542326, at *2 (N.D. Cal. Sept. 22, 2023). 21 2. Plaintiff may serve the ISP with a Rule
45 subpoena commanding the ISP to provide the 22 true name and address of the Defendant to
whom the ISP assigned an IP address as set forth on 23 Exhibit A to the Complaint. Plaintiff shall
attach a copy of this Order to the subpoena; 24 3. Plaintiff may also serve a Rule 45 subpoena in
the same manner on any service provider 25 that is identified in response to a subpoena as a
provider of Internet services to the Defendant; 26 4. If the ISP qualifies as a "cable operator" under
47 U.S.C. § 522(5),¹ the ISP shall 27 1 comply with 47 U.S.C. § 551(c)(2)(B) by sending a copy
of this Order to the Defendant; and 2 5. The ISP shall serve a copy of the subpoena and a copy of
this order on the 3 || subscriber within 30 days of the date of service on the ISP. The ISP may serve
the subscribers 4 || using any reasonable means, including written notice sent to the subscriber's
last known address, 5 || transmitted either by first-class mail or via overnight service. 6 6. Each
subscriber and the ISP shall have 30 days from the date of service upon him, her, 7 or it to file any
motions in this court contesting the subpoena (including a motion to quash or 8 modify the
subpoena). If the 30-day period lapses without the subscriber contesting the subpoena, 9 || the ISP
shall have 10 days to produce to Plaintiff the information responsive to the subpoena with 10 ||
respect to that subscriber. 11 7. The ISP shall preserve all subpoenaed information pending the
ISP's delivering such 12 || information to Plaintiff or the final resolution of a timely filed motion to
quash the subpoena with 5 13 respect to such information. 14 8. Plaintiff may only use the
information disclosed in response to a Rule 45 subpoena 15 served on the ISP for the purpose of
protecting and enforcing its rights as set forth in the 16 || Complaint. Plaintiff may not publicly

disclose the information obtained based on this subpoena 3 17 without leave of the Court—at least until the Doe defendant has had an opportunity to file a S 18 motion to proceed anonymously, or further discovery has been taken. All references to 19 || Defendant’s identity must be redacted and filed UNDER SEAL until further notice. 20 IT IS SO ORDERED. 21 22 Dated: June 20, 2025 23 LU \ : Lj —

THOMAS S. HIXSON

24 United States Magistrate Judge 25 26 interest in such cable system, or (B) who otherwise controls or is responsible for, through any 7 arrangement, the management and operation of such a cable system.” 47 U.S.C. § 522(5). A cable operator may disclose such [personal identifying] information if the disclosure is ... 28 made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed[.]” 47 U.S.C. § 551(c)(2)(B).