

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PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown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)

