

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 73.241.101.254

Case No. 26-cv-00162-HSG (N.D. Cal. Jan. 23, 2026) · No. 26-cv-00162-HSG · Decided January 23, 2026

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC’s ex parte application for leave to serve a third-party subpoena before the Rule 26(f) conference. The order authorizes subpoenas to Comcast Cable and other identified internet service providers to disclose the identity and address associated with the specified IP address, subject to notice and opportunities to contest the subpoenas. It also imposes confidentiality and limited protective-order requirements concerning any disclosed identifying information.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 23, 2026
DOCKET	26-cv-00162-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party subpoena on an Internet service provider before the Federal Rule of Civil Procedure 26(f) conference in order to identify the Doe defendant.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value

TOPICS

- discovery dispute
- copyright infringement
- civil procedure

PRACTICE AREAS

- Civil procedure
- Copyright litigation
- Third-party subpoenas
- Anonymous defendant identification

QUESTIONS PRESENTED

1. Whether the plaintiff established good cause to serve a third-party Rule 45 subpoena before the Rule 26(f) conference to identify the Doe defendant.
2. What notice and procedural protections should govern disclosure of the subscriber's identifying information.
3. Whether the court should issue a limited protective order concerning information disclosed by the Internet service provider.

HOLDINGS

1. The plaintiff established good cause to serve a Rule 45 subpoena on Comcast Cable before the Rule 26(f) conference to obtain the true name and address of the subscriber associated with the specified IP address.
2. The plaintiff may serve a Rule 45 subpoena seeking the Doe subscriber's true name and address, and may serve the same type of subpoena on any subsequently identified Internet service provider, subject to the order's notice and challenge procedures.
3. Any name or personal identifying information released by an Internet service provider must be treated as confidential and may not be publicly disclosed until the Doe defendant has had an opportunity to seek anonymity and the court has ruled on that request.

KEY QUOTATIONS

“Plaintiff has established that “good cause” exists for it to serve a third-party subpoena on Comcast Cable (hereinafter the “ISP”) under Federal Rule of Civil Procedure 45.” (at 1)

“To the extent that the ISP releases any name or other personal identifying information regarding Defendant to Plaintiff, such information shall be treated as confidential and shall not be publicly disclosed until Defendant has had the opportunity to file a motion with this Court to proceed anonymously and the Court has ruled on that motion.” (at 2)

FACTUAL BACKGROUND

Strike 3 Holdings alleged that an unidentified defendant associated with IP address 73.241.101.254 infringed its copyright. The IP address was assigned by Comcast Cable or another Internet service provider, and the plaintiff sought the subscriber's true name and address through a third-party subpoena. The court also recognized that the subscriber might not be the actual infringer and that public accusations involving allegedly downloaded adult motion pictures could cause embarrassment.

PROCEDURAL HISTORY

Strike 3 Holdings filed an application for leave to serve a Rule 45 subpoena before the Rule 26(f) conference. The court granted the application, authorized subpoenas to Comcast Cable and subsequently identified service providers, and imposed notice, confidentiality, use, and challenge procedures.

DISPOSITION

CASES CITED

- UMG Recording, Inc. v. Doe, 2008 WL 4104214, at *4 (N.D. Cal. 2008)
- Arista Records LLC v. Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008)
- Strike 3 Holdings, LLC v. Doe, No. 17-CV-07051-LB, 2018 WL 357287, at *2–3 (N.D. Cal. Jan. 10, 2018)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
STRIKE 3 HOLDINGS, LLC, Case No. 26-cv-00162-HSG 8 Plaintiff, ORDER GRANTING EX
PARTE APPLICATION FOR LEAVE TO 9 v. SERVE A THIRD PARTY SUBPOENA 10 JOHN
DOE SUBSCRIBER ASSIGNED IP Re: Dkt. No. 7 ADDRESS 73.241.101.254, 11 Defendant. 12
13 Plaintiff Strike 3 Holdings, LLC moves ex parte for leave to serve a third-party subpoena 14
prior to the Federal Rule of Civil Procedure 26(f) conference.

Dkt. No. 7. Having considered 15 Plaintiff’s application, the Court ORDERS as follows: 16 1.
Plaintiff has established that “good cause” exists for it to serve a third-party 17 subpoena on
Comcast Cable (hereinafter the “ISP”) under Federal Rule of Civil Procedure 45. 18 See, e.g.,
UMG Recording, Inc. v. Doe, 2008 WL 4104214, *4 (N.D. Cal. 2008); Arista Records 19 LLC v.
Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C.

2008); see also Strike 3 Holdings, LLC v. Doe, 20 No. 17-CV-07051-LB, 2018 WL 357287, at *2
(N.D. Cal. Jan. 10, 2018). 21 2. Plaintiff may serve the ISP with a Rule 45 subpoena commanding
the ISP to 22 provide Plaintiff with the true name and address of the Defendant John Doe to whom
the ISP 23 assigned an IP address as detailed in complaint and as listed in the case caption.

Plaintiff shall 24 attach a copy of this Order to any such subpoena. 25 3. Plaintiff may also serve a
Rule 45 subpoena in the same manner as above on any 26 service provider that is identified in
response to a subpoena as a provider of Internet services to 27 Defendant. 1 4. If the ISP qualifies
as a “cable operator,” defined by 47 U.S.C. § 522(5), as any 2 person or group of persons: 3 (A)
who provides cable service over a cable system and directly or 4 through one or more affiliates
owns a significant interest in such 5 cable system, or 6 (B) who otherwise controls or is
responsible for, through any 7 arrangement, the management and operation of such a cable system,
8 it shall comply with 47 U.S.C. § 551(c)(2)(B), which in turn states: 9 10 A cable operator may
disclose such [personal identifying] information if the 11 disclosure is... made pursuant to a court
order authorizing such disclosure, if the 12 subscriber is notified of such order by the person to
whom the order is directed.

13 14 by sending a copy of this Order to the Defendant. 15 5. Plaintiff may only use the
information disclosed in response to a Rule 45 subpoena 16 served on the ISP for the purpose of

protecting and enforcing Plaintiff's rights as set forth in its 17 complaint. 18 6. Each ISP will have 30 days from the date of service upon it to serve each of its 19 subscriber(s) whose identity information is sought with a copy of the subpoena and a copy of this 20 order.

The ISPs may serve the subscribers using any reasonable means, including written notice 21 sent to the subscriber's last known address, transmitted either by first-class mail or via overnight 22 service. 23 7. Each subscriber and each ISP shall have 30 days from the date of service upon him, 24 her or it to file any motions in this court contesting the subpoena (including a motion to quash or 25 modify the subpoena).

If the 30-day period after service on the subscriber lapses without the 26 subscriber or the ISP contesting the subpoena, the ISP shall have 10 days to produce to Plaintiff 27 the information responsive to the subpoena with respect to that subscriber. 1 Additionally, under Rule 26(c), the Court may sua sponte grant a protective order. See 2 Strike 3 Holdings, 2018 WL 357287, at *3.

Because the ISP subscriber(s) may not be the 3 individual(s) who infringed Plaintiffs copyright, and because of the potential embarrassment 4 associated with being publicly accused of illegally downloading adult motion pictures, the Court 5 || issues a limited protective order in this case: To the extent that the ISP releases any name or other 6 || personal identifying information regarding Defendant to Plaintiff, such information shall be 7 || treated as confidential and shall not be publicly disclosed until Defendant has had the opportunity 8 to file a motion with this Court to proceed anonymously and the Court has ruled on that motion.

9 If Defendant fails to file a motion for leave to proceed anonymously within 30 days after 10 || his or her information is disclosed to Plaintiff, this limited protective order will expire. 11 IT IS SO ORDERED. 12 || Dated: 1/23/2026 Abgpspreel 3 Abl_} 4 HAYWOOD S. GILLIAM, JR. United States District Judge 16 18 19 20 21 22 23 24 25 26 27 28