

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PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value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

other

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)

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