

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
76.14.125.66

Strike 3 Holdings · No. 25-cv-03105-TSH · Decided April 28, 2025

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve a third-party Rule 45 subpoena on Astound Broadband LLC before a Rule 26(f) conference. The subpoena seeks the name and address of the subscriber assigned the identified IP address, subject to notice, opportunities to challenge the subpoena, preservation requirements, and restrictions on disclosure.

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	April 28, 2025
DOCKET	25-cv-03105-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 order to identify the Doe defendant.
STANDARD OF REVIEW	The court applied a good-cause standard to the request for early third-party discovery.
PRECEDENTIAL VALUE	Nonprecedential interlocutory district-court order

TOPICS

- discovery dispute
- copyright infringement
- civil procedure

PRACTICE AREAS

- copyright litigation
- civil procedure
- third-party discovery
- anonymous-defendant identification

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause to serve a third-party subpoena on the internet service provider before the Rule 26(f) conference.
2. What procedures and safeguards should govern disclosure of the Doe subscriber's identifying information in response to the subpoena.

HOLDINGS

1. Plaintiff established good cause to serve Astound Broadband LLC with a Rule 45 subpoena before the Rule 26(f) conference to obtain the true name and address of the subscriber associated with the identified IP address.
2. Plaintiff may serve a Rule 45 subpoena on the ISP for the Doe defendant's true name and address and may serve the same type of subpoena on another service provider identified in response as providing internet services to the Defendant.
3. The ISP must provide the subscriber with notice of the subpoena and this order, allow 30 days to contest the subpoena, preserve the subpoenaed information, and withhold production until the challenge period expires; Plaintiff must restrict use and public disclosure of the identifying information and file references to the identity under seal.

KEY QUOTATIONS

“Plaintiff has established “good cause” exists to serve a third-party subpoena on the internet service provider, Astound Broadband LLC (the “ISP”).” (Order at 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 at 2)

FACTUAL BACKGROUND

Plaintiff alleged that Defendant, identified only as John Doe, was associated with IP address 76.14.125.66. Plaintiff sought the identity and address of the subscriber from Astound Broadband LLC, the internet service provider, before the parties' Rule 26(f) conference. The court found good cause for the early subpoena and required protections for the subscriber's notice, ability to challenge the subpoena, and confidential identifying information.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unidentified subscriber associated with IP address 76.14.125.66. The court granted Plaintiff's ex parte application for leave to serve a third-party subpoena before the Rule 26(f) conference and imposed notice, challenge, preservation, use, and sealing requirements.

DISPOSITION

other

CASES CITED

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

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