

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address
73.223.62.6

Strike 3 Holdings · No. 4:25-cv-10231-KAW · Decided January 5, 2026

SUMMARY

The United States District Court for the Northern District of California grants Strike 3 Holdings, LLC leave to serve Comcast and other identified internet service providers with subpoenas before the Rule 26(f) conference. The order establishes notice, objection, preservation, production, confidentiality, and permitted-use requirements for identifying the John Doe subscriber associated with IP address 73.223.62.6.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Andis A. Westmore
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 5, 2026
DOCKET	4:25-cv-10231-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for leave to serve a third-party subpoena before the Rule 26(f) conference in a copyright infringement action against an unidentified subscriber.
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential status

TOPICS

- discovery dispute
- civil procedure
- copyright infringement
- service of process

PRACTICE AREAS

- civil procedure
- copyright litigation
- third-party discovery

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause to serve a third-party subpoena before the Rule 26(f) conference.
2. What notice, challenge, preservation, confidentiality, and use restrictions should govern the authorized subpoenas.

HOLDINGS

1. Plaintiff established good cause to serve a Rule 45 subpoena on Comcast Cable Communications, LLC, and on any subsequently identified Internet service provider, before the Rule 26(f) conference, limited to obtaining the defendant's true name and address.
2. The authorized subpoenas must provide notice to affected subscribers, allow 30 days to challenge the subpoenas, require preservation of subpoenaed information, restrict use of disclosed information to protecting Plaintiff's rights under the Copyright Act, and require filing documents containing identifying information under seal.

KEY QUOTATIONS

“Plaintiff has established that good cause exists for it to serve a third party subpoena on Comcast Cable Communications, LLC (“Initial ISP Provider”).” (at 1)

“a cable operator may disclose [personally identifying] information if the disclosure is . . . 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.” (at 1)

FACTUAL BACKGROUND

Strike 3 Holdings brought a copyright infringement action against a subscriber associated with IP address 73.223.62.6. Because the defendant's identity was unknown, Plaintiff sought permission to subpoena Comcast Cable Communications, LLC and any subsequently identified Internet service providers for the defendant's true name and address. The court found good cause for the early third-party discovery and imposed procedures to protect subscriber privacy and allow challenges to the subpoenas.

PROCEDURAL HISTORY

Strike 3 Holdings filed an action against a John Doe defendant identified only by an IP address and sought early discovery from the defendant's Internet service provider. The court granted leave to serve subpoenas before the Rule 26(f) conference, subject to notice, an opportunity to move to quash or modify, preservation, sealing, and use restrictions.

DISPOSITION

other

CASES CITED

- UMG Recording, Inc. v. Doe, No. C 08-1193 SBA, 2008 WL 4104214, at *4 (N.D. Cal. Sept. 3, 2008)

- Arista Records LLC v. Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
STRIKE 3 HOLDINGS, LLC, Case No. 4:25-cv-10231-KAW 8 Plaintiff, ORDER ON EX PARTE
MOTION FOR LEAVE TO SERVE SUBPOENA PRIOR 9 v. TO RULE 26(f) CONFERENCE 10
JOHN DOE SUBSCRIBER ASSIGNED IP Re: Dkt. No. 9 ADDRESS 73.223.62.6, 11 Defendant.
12 13 Plaintiff, Strike 3 Holdings, LLC, moves ex parte for leave to serve a third party subpoena
14 prior to a Rule 26(f) conference.

The Court finds that: 15 1. Plaintiff has established that good cause exists for it to serve a third
party subpoena on 16 Comcast Cable Communications, LLC (“Initial ISP Provider”). See UMG
Recording, Inc. v. Doe, 17 No. C 08-1193 SBA, 2008 WL 4104214, at *4 (N.D. Cal. Sept. 3,
2008); Arista Records LLC v. 18 Does 1–19, 551 F. Supp. 2d 1, 6–7 (D.D.C. 2008).

19 2. Plaintiff may serve the Initial ISP Provider with a Rule 45 subpoena commanding it to 20
provide Plaintiff only with the true name and address of the Defendant to whom the Initial ISP 21
Provider assigned the IP address 73.223.62.6. Plaintiff shall attach a copy of this order to any such
22 subpoena. 23 3. Plaintiff may also serve a Rule 45 subpoena in the same manner as above on
any 24 service provider that is identified in response to a subpoena as a provider of Internet
services to the 25 Defendant (together with the Initial ISP Provider, the “ISPs”).

26 /// 27 /// 1 4. IT IS FURTHER ORDERED that subpoenas authorized by this order, and issued 2
pursuant thereto, shall be deemed appropriate court orders under 47 U.S.C. § 551, which provides
3 that “[a] cable operator may disclose [personally identifying] information if the disclosure is... 4
made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such 5
order by the person to whom the order is directed.” 47 U.S.C. § 551(c)(2)(B).

This order is an 6 order authorizing such disclosure. 7 5. IT IS FURTHER ORDERED that each
ISP will have 30 days from the date of service 8 upon it to serve each of its subscriber(s) whose
identifying information is sought with a copy of 9 the subpoena and a copy of this order.

The ISPs may serve the subscribers using any reasonable 10 means, including written notice sent
to the subscriber’s last known address, transmitted either by 11 first-class mail or via overnight
service. 12 6. IT IS FURTHER ORDERED that each subscriber and each ISP shall have 30 days
13 from the date of service upon him, her or it to file any motions in this court contesting the 14
subpoena (including a motion to quash or modify the subpoena).

If the 30-day period lapses 15 without the subscriber contesting the subpoena, the ISP shall have
10 days to produce to Plaintiff 16 the information responsive to the subpoena with respect to that
subscriber. 17 7. IT IS FURTHER ORDERED that any ISP that receives a subpoena shall preserve
all 18 subpoenaed information pending the ISP’s delivering such information to Plaintiff or the

final 19 resolution of a timely filed motion to quash the subpoena with respect to such information.

20 8. IT IS FURTHER ORDERED that any information disclosed to Plaintiff in response to a 21 subpoena may be used by Plaintiff solely for the purpose of protecting its rights under the 22 Copyright Act, 17 U.S.C. § 101 et seq. 23 9. IT IS FURTHER ORDERED that any documents containing the name or other personal 24 identifying information of any current or proposed defendant shall be filed under seal.

In so 25 doing, Strike 3 is instructed to follow the procedure set forth in Civil Local Rule 79-5 for all 26 documents that it seeks to file under seal. The redacted version of all documents in the public 27 record should redact only Defendant's name and any other personal identifying information. 1 may identify Defendant by name in the redacted portions of the sealed documents.

2 IT IS SO ORDERED. 3 || Dated: January 5, 2026 4 ANDIS A. WESTMORE 5 United States Magistrate Judge 6 7 8 9 10 11 a 12 © 15 16 it Z 18 19 20 21 22 23 24 25 26 27 28