

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Strike 3 Holdings, LLC v. JOHN DOE subscriber assigned IP address
108.5.244.235

Strike 3 Holdings · No. Civil Action No. 25-17873-MEF-MAH · Decided December 22, 2025

SUMMARY

The United States District Court for the District of New Jersey grants Strike 3 Holdings, LLC leave to serve Verizon Fios with an expedited Rule 45 subpoena to identify the subscriber assigned IP address 108.5.244.235. The subpoena is limited to the subscriber’s name and address, and the court prohibits requests for telephone numbers, email addresses, or MAC addresses and imposes limits on use of the information.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Michael A. Hammer
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 22, 2025
DOCKET	Civil Action No. 25-17873-MEF-MAH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to serve a third-party subpoena on Verizon Online LLC before the Federal Rule of Civil Procedure 26(f) conference to identify the John Doe subscriber associated with a specified IP address.
STANDARD OF REVIEW	The court applied a discretionary good-cause standard to the request for expedited discovery, considering the entire record, the reasonableness of the request, the interests of justice, and potential prejudice to the responding party.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- copyright infringement
- civil procedure
- intellectual property

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should permit expedited discovery before the Rule 26(f) conference to identify an unknown copyright defendant.
2. Whether the subpoena should be limited to the subscriber's name and address to balance Plaintiff's need for identification against the privacy interests of a potentially uninvolved account holder.

HOLDINGS

1. Good cause supported allowing Plaintiff to serve a Rule 45 subpoena on Verizon Fios before the Rule 26(f) conference because the requested information was necessary to identify the proper defendant and permit service, and the request was appropriately limited.
2. Plaintiff may subpoena Verizon Fios only for the name and address of the subscriber assigned IP address 108.5.244.235; it may not seek the subscriber's telephone number, email address, or MAC address.

KEY QUOTATIONS

“Good cause may be found where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.”

“The Court therefore holds that Plaintiff may serve Verizon Fios with a subpoena pursuant to Federal Rule of Procedure 45 that is limited to obtaining the name and address of the subscriber of IP address 108.5.244.235.”

FACTUAL BACKGROUND

Strike 3 Holdings alleged that it owned copyrights in certain works and that an unidentified defendant used BitTorrent to download and distribute those works through IP address 108.5.244.235. Plaintiff asserted that it could not identify or serve the defendant without information held by the relevant Internet service provider, Verizon Fios. Plaintiff sought only preconference discovery necessary to identify the subscriber associated with the IP address.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement complaint against an unidentified John Doe defendant. Before the Rule 26(f) conference, Plaintiff moved for expedited discovery directed to the Internet service provider associated with the alleged infringement. The court granted the motion, but limited the subpoena to the subscriber's name and address and imposed restrictions on use and disclosure of the information.

DISPOSITION

other

CASES CITED

- Better Packages, Inc. v. Zheng, No. 05-4477, 2006 WL 1373055, at *3 (D.N.J. May 17, 2006)
- Ent. Tech. Corp. v. Walt Disney Imagineering, No. 03-3546, 2003 WL 22519440, at *4 (E.D. Pa. Oct. 2, 2003)
- In re BitTorrent Adult Film Copyright Infringement Cases, 296 F.R.D. 80, 87, 93 (E.D.N.Y. 2012)
- Manny Film LLC v. Doe Subscriber Assigned IP Address 50.166.88.98, 98 F. Supp. 3d 693, 694-95 (D.N.J. 2015)
- Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273, 276 (N.D. Cal. 2002)
- Plastic the Movie Ltd. v. Doe, No. 15-2476, 2015 WL 2159287, at *2-*3 (D.N.J. May 6, 2015)
- Malibu Media, LLC v. Does, No. 12-7615, 2013 WL 12407010, at *3-*4 (D.N.J. Feb. 26, 2013)
- Malibu Media LLC v. Doe, No. 14-3874, slip op. ¶ 7 (D.N.J. Sept. 2, 2014)
- Malibu Media v. Doe, No. 13-4660, slip op. at 2 (D.N.J. Aug. 19, 2013)
- Voltage Pictures v. Does, No. 12-6885, 2013 WL 12406868, at *4 (D.N.J. May 31, 2013)
- Malibu Media, LLC v. Does, No. 12-7789, 2014 WL 229295, at *9 (D.N.J. Jan. 21, 2014)

OPINION

Strike 3 Holdings, LLC v. JOHN DOE subscriber assigned IP address 108.5.244.235
PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Chambers of Martin Luther King Federal Building Michael A. Hammer & U.S. Courthouse United States Magistrate Judge 50 Walnut Street Newark, NJ 07101
(973) 776-7858

December 22, 2025 To: All counsel of record

LETTER OPINION AND ORDER

RE: Strike 3 Holdings, LLC v. JOHN DOE subscriber assigned IP address 108.5.244.235 Civil Action No. 25-17873-MEF-MAH Dear Counsel: This Letter Opinion and Order will address Plaintiff Strike 3 Holdings, LLC's ("Plaintiff") motion for leave to serve a third-party subpoena to ascertain the identity of the subscriber assigned Internet Protocol ("IP") address 108.5.244.235 ("Defendant") for the dates relevant to the Complaint. Mot. for Leave to Serve Third-Party Subpoena, Dec. 10, 2025, D.E. 5. Plaintiff seeks to obtain this information before the Federal Rule of Civil Procedure 26(f) scheduling conference in this matter. Pl.'s Br. in Supp. of Mot., Dec. 10, 2025, D.E. 5-1, at 1. The Court has considered Plaintiff's submission and, pursuant to Federal Rule of Civil Procedure 78, has decided the motion without oral argument. For the reasons set forth below, the Court will grant the motion.

I. BACKGROUND

Plaintiff is a Delaware limited liability company that claims ownership of certain United States copyright registrations. Compl., Nov. 24, 2025, D.E. 1, ¶¶ 2, 11, 46, 49. Plaintiff alleges that Defendant illegally downloaded and distributed Plaintiff's copyrighted works via the BitTorrent

file distribution system, in violation of the Copyright Act, 17 U.S.C. § 101 et seq.¹ Id. ¶¶ 4, 6, 17-50. Plaintiff asserts that it does not know Defendant's identity; it knows only that the infringing acts alleged in the Complaint were committed using IP address 108.5.244.235. Id. ¶ 5. Plaintiff therefore seeks leave to issue a subpoena to the appropriate Internet Service Provider ("ISP"), in this case, Verizon Online LLC ("Verizon Fios"). Pl.'s Br. in Supp. of Mot., D.E. 5-1, at 1. Plaintiff asserts that the ISP, having assigned that IP address, can compare the IP address with its records to ascertain Defendant's identity. Id. at 1-2. Plaintiff contends that this information is necessary because without it, Plaintiff would have no means of determining the true identity of Defendant, and, consequently, will not be able to serve Defendant and protect its copyright. Id.

II. LEGAL STANDARD AND ANALYSIS

Federal Rule of Civil Procedure 26(d)(1) provides that "[a] party may not seek discovery from any source before the parties have conferred as required by [Federal Rule of Civil Procedure] 26(f)." The Court has the discretion, however, to grant leave to conduct discovery prior to that conference. Id. In ruling on a motion for expedited discovery, the Court should consider "the entirety of the record to date and the reasonableness of the request in light of all of the surrounding circumstances." *Better Packages, Inc. v. Zheng*, No. 05-4477, 2006 WL 1373055, at *3 (D.N.J. May 17, 2006) (quoting *Ent. Tech. Corp. v. Walt Disney Imagineering*, No. 03-3546, 2003 WL 22519440, at *4 (E.D. Pa. Oct. 2, 2003)). Courts faced with motions for leave to serve expedited discovery requests to ascertain the identity of John Doe defendants in internet copyright 1 Plaintiff asserts that it detected Defendant's copyright violations using its infringement detection system, VXN Scan. Compl. at ¶¶ 27-44. In the Complaint, Plaintiff explains that "[w]hile Defendant was using the BitTorrent file distribution network, VXN Scan established multiple direct TCP/IP connections with Defendant's IP address" and downloaded one or more pieces of Plaintiff's copyrighted material from Defendant. Id. at ¶¶ 29-39. Infringement cases often apply the "good cause" test. See *In re BitTorrent Adult Film Copyright Infringement Cases*, 296 F.R.D. 80, 87, 93 (E.D.N.Y. 2012); *Manny Film LLC v. Doe Subscriber Assigned IP Address 50.166.88.98*, 98 F. Supp. 3d 693, 694-95 (D.N.J. 2015). "Good cause may be found where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party." *Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). Courts in this District have applied the "good cause" standard and permitted early, but limited, discovery under analogous circumstances. *Plastic the Movie Ltd. v. Doe*, No. 15-2476, 2015 WL 2159287, at *2 (D.N.J. May 6, 2015). In *Malibu Media, LLC v. Does*, for example, the plaintiff "sought leave to serve a subpoena demanding that the ISP in question reveal the John Doe defendant's names, addresses, telephone numbers, e-mail addresses, and Media Access Control addresses." Id. at *2. The Court recognized that competing interests were at play. *Malibu Media, LLC v. Does*, No. 12-7615, 2013 WL 12407010, at *4 (D.N.J. Feb. 26, 2013). On the one hand, the plaintiff claimed to be the owner of copyrighted work entitled to protection. Id. On the other hand, the release of broad and private information "could impose an undue burden on individuals

who may have provided their information to an ISP, but who did not engage in the alleged illegal distribution of Plaintiff's work." Id. at *3. The Court struck a balance by granting the plaintiff's request for leave to take expedited discovery, but permitted the plaintiff to issue subpoenas seeking only information necessary to allow it to continue litigating its claims: the name and address of the IP's account holder. Id. at *4. Other courts in the District have undergone the same analysis and imposed similar limitations. See, e.g., *Plastic*, 2015 WL 2159287, at *3 (limiting subpoena's scope to the "name and address of Defendant"); *Malibu Media LLC v. Doe*, No. 14-3874, slip op. ¶ 7 (D.N.J. Sept. 2, 2014) (same); *Malibu Media v. Doe*, No. 13-4660, slip op. at 2 (D.N.J. Aug. 19, 2013) (same); *Voltage Pictures v. Does*, No. 12-6885, 2013 WL 12406868, at *4 (D.N.J. May 31, 2013) (granting leave to serve subpoena requesting only the name, address, and MAC address associated with a particular IP address). There is good cause to permit limited discovery prior to the Rule 26(f) conference in this case. Plaintiff requests information that is necessary to allow Plaintiff to identify the appropriate defendant, and to effectuate service of any Amended Complaint. The Court certainly recognizes that the IP account holder might not be personally responsible for the alleged infringement. Under Rule 26(b)(1), the appropriate inquiry is "not whether the information sought will lead to identifying the infringer but whether the information sought reasonably leads to the discovery of admissible evidence." *Malibu Media, LLC v. Does*, No. 12-7789, 2014 WL 229295, at *9 (D.N.J. Jan. 21, 2014). However, it is possible that the IP account holder "either knows, or has additional information which could lead to the identification of the alleged infringer." Id. The Court therefore holds that Plaintiff may serve Verizon Fios with a subpoena pursuant to Federal Rule of Procedure 45 that is limited to obtaining the name and address of the subscriber of IP address 108.5.244.235. That limited scope serves the purposes outlined above, while taking into consideration the impact that disclosure might have on a subscriber who is not personally responsible for the alleged infringement. Plaintiff may not seek the subscriber's telephone numbers, email addresses, or MAC addresses. Plaintiff shall attach a copy of the Letter Opinion and Order to the subpoena. Plaintiff shall limit its use of the information in this litigation, and Plaintiff shall be prepared to provide copies of the responsive information to any defendant who enters an appearance in this case.^{2 2} Before filing an Amended Complaint naming a specific individual as a defendant, Plaintiff shall ensure that it has an adequate factual basis to do so. The Court does not find that Plaintiff So Ordered. s/ Michael A. Hammer

UNITED STATES MAGISTRATE JUDGE

may rely solely on the subscriber's affiliation with the IP address in question as the basis for its claim by permitting this discovery.