

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 50.235.81.254

Strike 3 Holdings · No. 25-cv-03893-EMC · Decided June 12, 2025

SUMMARY

The United States District Court for the Northern District of California granted Strike 3 Holdings, LLC’s ex parte application for leave to serve a Rule 45 subpoena on Comcast Cable before the Rule 26(f) conference. The subpoena seeks the name and address of the subscriber associated with IP address 50.235.81.254 in a copyright infringement action involving alleged BitTorrent distribution of adult motion pictures. The order imposes notice, confidentiality, preservation, and filing requirements and cautions Strike 3 regarding its Rule 11 obligations after identifying the subscriber.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 12, 2025
DOCKET	25-cv-03893-EMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party subpoena on the internet service provider before the Rule 26(f) conference in a copyright-infringement action against an unidentified defendant.
PRECEDENTIAL VALUE	Unknown; district court order

TOPICS

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

PRACTICE AREAS

- copyright litigation
- civil procedure
- anonymous defendant discovery

QUESTIONS PRESENTED

- Whether good cause existed to permit Strike 3 to serve a Rule 45 subpoena on the internet service provider before the Rule 26(f) conference.

2. What notice, confidentiality, preservation, and use restrictions should govern the early discovery.

HOLDINGS

1. Good cause existed to permit Strike 3 to serve a Rule 45 subpoena on Comcast Cable to identify the true name and address of the subscriber assigned the IP address identified in the complaint.
2. The subpoena and resulting information were subject to conditions requiring notice to the subscriber, confidentiality and sealing of identifying information, limited use of the information, and preservation pending resolution of any timely motion to dismiss.

KEY QUOTATIONS

“a bare allegation that a defendant is the registered subscriber of an Internet Protocol (‘IP’) address associated with infringing activity is [in]sufficient to state a claim for direct or contributory infringement” (at 1)

FACTUAL BACKGROUND

Strike 3 Holdings alleged that John Doe infringed 30 of its adult motion pictures using the BitTorrent protocol. The defendant was identified only by an IP address assigned by an internet service provider. Strike 3 sought early third-party discovery to learn Doe's true name and address.

PROCEDURAL HISTORY

Strike 3 Holdings sued John Doe for alleged infringement of 30 adult motion pictures through the BitTorrent protocol. Before the Rule 26(f) conference, Strike 3 applied for leave to subpoena Comcast Cable to identify the subscriber assigned the allegedly infringing IP address. The court granted the application subject to notice, confidentiality, preservation, and use restrictions.

DISPOSITION

other

CASES CITED

- Strike 3 Holdings, LLC v. Doe, No. 23-cv-04339-RS, 2023 U.S. Dist. LEXIS 169496 (N.D. Cal. Sept. 22, 2023)
- Gonzales, 901 F.3d 1142, 1144 (9th Cir. 2018)

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