

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 76.133.135.222

Strike 3 Holdings v. John Doe · No. 25-cv-03869-EMC · Decided June 12, 2025

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 Rule 45 subpoena on Comcast Cable before the Rule 26(f) conference. The subpoena may seek the name and address of the subscriber associated with the specified IP address, subject to notice, confidentiality, preservation, and use restrictions.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	E. Chen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 12, 2025
DOCKET	25-cv-03869-EMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought ex parte leave to serve a third-party Rule 45 subpoena on the internet service provider before the Rule 26(f) conference to identify the John Doe defendant in a copyright-infringement action.
STANDARD OF REVIEW	The court applied a good-cause standard to the request for expedited discovery before the Rule 26(f) conference.
PRECEDENTIAL VALUE	Unknown; district court order granting an ex parte application for early discovery.

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Copyright litigation
- Pre-suit and expedited discovery
- Anonymous-defendant litigation

QUESTIONS PRESENTED

1. Whether good cause existed to permit service of a third-party Rule 45 subpoena before the Rule 26(f) conference to identify the John Doe defendant.
2. What notice, confidentiality, preservation, and use restrictions should govern the subpoena and the information disclosed in response.

HOLDINGS

1. Good cause existed to permit Strike 3 Holdings to serve Comcast Cable with a Rule 45 subpoena before the Rule 26(f) conference to obtain the true name and address of the subscriber assigned the identified IP address.
2. Authorization of the subpoena did not preclude John Doe from filing a Rule 12(b)(6) motion or prejudice the merits of such a motion.
3. Strike 3 was required to provide notice through the ISP or directly to John Doe, use the information only to protect and enforce rights asserted in the complaint, avoid public disclosure without court permission, redact identity references and file them under seal, and preserve subpoenaed information 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 38 of its adult motion pictures through the BitTorrent protocol. The defendant was identified only by an IP address, and Strike 3 sought the subscriber's true name and address from Comcast Cable, the internet service provider assigned that IP address.

PROCEDURAL HISTORY

Strike 3 Holdings filed a copyright-infringement action against an unidentified subscriber associated with a specified IP address and moved for early third-party discovery. The district 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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