UNITED STATES DISTRICT COURT

Northern District of California

PATRICK COLLINS, INC.,

Plaintiff,

v.

DOES 1-2,590,

Defendants.
_____/

No. C 11-2766 MEJ

ORDER RE MOTION TO DISMISS (IP ADDRESS 24.215.237.108)

Docket No. 20

On June 7, 2011, Plaintiff Patrick Collins, Inc. filed this lawsuit against 2,590 Doe Defendants, alleging that Defendants illegally reproduced and distributed a work subject to Plaintiff's exclusive license, ("*Real Female Orgasms 10*"), using an internet peer-to-peer file sharing network known as BitTorrent, thereby violating the Copyright Act, 17 U.S.C. § 101-1322. Compl. ¶¶ 6-15, Dkt. No. 1. On September 22, 2011, the Court granted Plaintiff's Application for Leave to Take Limited Expedited Discovery. Dkt. No. 12. The Court permitted Plaintiff to serve subpoenas on Does 1-2,590's Internet Service Providers ("ISPs") by serving a Federal Rule of Civil Procedure 45 subpoena that seeks information sufficient to identify the Doe Defendants, including the name, address, telephone number, and email address of Does 1-2,590. *Id.* at 11. Once the ISPs provided Does 1-2,590 with a copy of the subpoena, the Court permitted Does 1-2,590 30 days from the date of service to file any motions contesting the subpoena (including a motion to quash or modify the subpoena). *Id.*

Now before the Court is a Motion to Dismiss, filed by a Doe Defendant (I.P. Address

24.215.237.108).[1] Dkt. No. 20. In his motion, Doe requests that the subpoena be quashed as to him and the case against him dismissed because the Court lacks jurisdiction and venue is improper. Based on the information presented in Doe's motion, it appears that the Court lacks jurisdiction. Accordingly, the Court hereby ORDERS Plaintiff to either: (1) file a voluntary dismissal of Doe Defendant at I.P. Address 24.215.237.108, without prejudice to filing a complaint against him/her in the proper jurisdiction; or (2) show cause why the Court should not grant Doe's motion to dismiss. Plaintiff shall file its response by November 14, 2011.

IT IS SO ORDERED.

Dated: November 3, 2011

Maria-Elena James
Chief United States Magistrate Judge

[1]The Doe Defendant does not identify him/herself by Doe Number.