

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 12-8333-DMG (PJWx)** Date December 12, 2012

Title ***Ingenuity 13 LLC v. John Doe*** Page 1 of 2

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

**VALENCIA VALLERY**

Deputy Clerk

**NOT REPORTED**

Court Reporter

Attorneys Present for Plaintiff(s)  
None Present

Attorneys Present for Defendant(s)  
None Present

**Proceedings: IN CHAMBERS – ORDER TO COMPLY WITH FED. R. CIV. P. 4(m)**

On September 27, 2012, Plaintiff Ingenuity 13 LLC (“Plaintiff”) filed the above-captioned action in this Court against Defendant John Doe (“Defendant”), alleging violations of the Copyright Act, 17 U.S.C. § 101 *et seq.*

Rule 10(a) of the Federal Rules of Civil Procedure states that “[t]he title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.” Nonetheless, “where the identity of alleged defendants will not be known prior to the filing of a complaint . . . the plaintiff should be given an opportunity through discovery to identify the unknown defendants.” *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980); *see also Patrick Collins Inc. v. Does*, No. C 10-05886 LB, 2011 WL 5368874 (N.D. Cal. Nov. 4, 2011) (copyright action discussing standards for serving Doe defendants).

Additionally, Rule 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

Here, Plaintiff states that Defendant’s actual name is unknown to Plaintiff and that Defendant is known to Plaintiff only by the Internet Protocol address 108.13.119.253. Plaintiff states that it cannot ascertain Defendant’s actual identity without limited early discovery.

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Page 2 of 2

Therefore, this Order serves to notify Plaintiff of Rule 4(m) and warn Plaintiff that it must abide by Rule 4(m)'s requirement to serve the defendant within 120 days of filing the Complaint, including by timely seeking leave to conduct early limited discovery pursuant to Rule 26(d)(1), or show good cause why, through due diligence, the defendant's identity cannot be ascertained by that time. Failure to timely and adequately comply as required herein by serving the defendant or showing good cause why the defendant cannot be ascertained by **January 28, 2013**, will result in the summary dismissal of this action.

**IT IS SO ORDERED.**