

UNITED STATES DISTRICT COURT  
Northern District of California

PATRICK COLLINS, INC.,

No. C 11-2766 MEJ

Plaintiff,

**ORDER RE MOTION TO DISMISS  
(IP ADDRESS 24.215.237.108)**

v.

DOES 1-2,590,

**Docket No. 20**Defendants.  

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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

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

8 **IT IS SO ORDERED.**

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10 Dated: November 3, 2011

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13 Maria-Elena James  
14 Chief United States Magistrate Judge  
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28 <sup>1</sup>The Doe Defendant does not identify him/herself by Doe Number.