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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**PRO FIT MANAGEMENT, INC.,  
d/b/a/ Draft Increase Solutions,**

**Plaintiff,**

**v.**

**LADY OF AMERICA FRANCHISE  
CORPORATION, et al.,**

**Defendants.**

**Case No. 08-CV-2662-JAR-DJW**

**MEMORANDUM AND ORDER**

Plaintiff Pro Fit Management, Inc., d/b/a Draft Increase Solutions (“Pro Fit”) brings this action against Lady of America Franchise Corporation, alleging claims for copyright infringement in violation 17 U.S.C. § 101 *et seq.*, violation of the Digital Millennium Copyright Act, 17 U.S.C. § 1201 *et seq.*, trademark infringement in violation of 15 U.S.C. § 1114 and 1125(a), unfair competition in violation of the Lanham Act, 15 U.S.C. § 1125, as well as common law claims for breach of contract, tortious interference with contract, and unfair competition. Plaintiff’s Third Amended Complaint alleges nine claims for copyright infringement in violation of 17 U.S.C. § 101 *et seq.* against nine other defendants.

Pending before the Court is defendants KLP Fitness Enterprises, Inc., Beverly A. Simonds and Sarita L. Evans’ Motion to Dismiss for Lack of Personal Jurisdiction (Doc. 130). Plaintiff asserts a single claim for copyright infringement against these defendants.<sup>1</sup> For the

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<sup>1</sup>(Doc. 128.)