

## STARTUPS & EMERGING COMPANIES

The attorneys in our multidisciplinary Startups & Emerging Companies Practice regularly advise startups and high-growth companies at every stage of their evolution and on the full spectrum of their legal issues. Our lawyers have represented entrepreneurs and emerging companies as well as private equity and venture capital companies that finance them. Having been on both sides of deals, we understand the issues that startups face. Drawing on our experience with a diverse group of industries, we are able to provide practical and economically sensible advice to startups and high-growth companies.

We help companies at all stages of their lifecycle. Typically, we begin with a free consultation to assess a company's myriad legal needs, ranging from corporate structuring and tax to labor and immigration. We also use this time to determine how we might assist the startup by making useful introductions and facilitating networking opportunities with individuals in the business community. In many ways, our lawyers complement our clients' management teams.

From there, we often work with startups to identify and address their corporate, tax, regulatory and intellectual property needs. A number of the Hodgson Russ IP attorneys that are members of the Startups & Emerging Companies Practice have advanced technical degrees in addition to law degrees, affording them in-depth knowledge of and practical experience in software, energy, semiconductors, microelectronics, manufacturing, plastics, information technology, and automotive sciences.

We also assist companies with regulatory and compliance issues. When companies reach the appropriate stage of development, we represent them in their capital raising efforts through initial public and private offerings and loan transactions, exit strategies, acquisitions by strategic or financial buyers, mergers, restructuring, or growth opportunities.

In situations when litigation is necessary, lawyers from our Business Litigation Practice work together to advance our clients' causes in a practical and cost-effective manner.

Industries served by our Startups & Emerging Companies Practice include, among others, biotechnology, cleantech, digital media, health care, medical device, financial services, semiconductor, software, telecommunications, and advanced manufacturing. Our clients are both U.S. and foreign-based.

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### Professionals

#### Attorneys

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## STARTUPS & EMERGING COMPANIES

### Jumpstart Plan

As part of our commitment to the success of the new generation of innovators, and entrepreneurs, Hodgson Russ offers a proprietary *Jumpstart Plan*. After an initial free consultation to fully understand your startup's needs and objectives, our team will prepare a customized package of legal services, which will be provided to you at a special rate. Our *Jumpstart Plan* provides legal services including preparation and filing of documents and counsel in the following areas:

- Incorporation and formation
- Organization
- Capitalization
- Intellectual property
- Licensing and technology agreements
- Labor & Employment issues
- Regulatory issues

Our plan is designed to help startups and entrepreneurs prepare for a successful launch while overcoming the challenges of limited resources, time, and funding.

### Funding

Hodgson Russ attorneys also represent principals and investors in organizing and offering private funds (including private equity funds, venture capital funds and other investment pools) and in ensuring fund compliance with Investment Company Act and Investment Advisers Act regulations. Our attorneys counsel private fund sponsors in connection with investment advisor and broker-dealer registration and compliance issues. We represent private equity and venture capital firms on an ongoing basis, and regularly represent issuers in negotiating venture capital and private equity transactions.

### Experience

A team of Hodgson Russ attorneys assisted a Canadian start-up company with their expansion plans into the United States. The matter required a full range of specialties including immigration, tax, corporate, technology, and intellectual property. Our services included preparing and prosecuting trademark applications, forming a beneficial U.S. corporate structure, preparing agreements with vendors and users, and researching the U.S. patent landscape.

Hodgson Russ assisted in the raising of \$600,000 for our biopharma company client's Series Seed financing round. Hodgson Russ drafted and negotiated all transaction documents, including the term sheet, accredited investor questionnaire, purchase agreement, and convertible note; facilitated document exchanges and correspondence with approximately twenty-five separate investors; and performed regulatory security filings with the SEC under Regulation D and state.

Hodgson Russ cultivated and prosecuted the intellectual property portfolio of a Western New York-based high-tech startup, which was later acquired by a *Fortune 100* company. We currently continue to develop this portfolio with the acquiring company.

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Hodgson Russ attorneys assisted an early-stage startup company in defending allegations of patent infringement. We researched and asserted weaknesses in the patent assertion entity's allegations to avoid litigation and settlement.

Hodgson Russ attorneys worked with a U.S. entrepreneur to develop an international IP protection strategy prior to his successful Kickstarter campaign. Our strategy included utility and design patent protection for his product, in the U.S., China, and Europe. In addition to patent protection, we are helping to secure trademark protection for the *tablift*® brand in a variety of foreign markets. The *tablift*® product is currently being sold internationally and has been featured in various news outlets.

### **In the News**

Gary Schober Gives Insight to Wegmans' Discontinuation of SCAN App  
*WGRZ*, September 15, 2022

Thought Leaders: Startups  
*Buffalo Business First*, January 31, 2020

Startup Podcast (Vol. 29): Talking Startups With Jordan Walbesser of Hodgson Russ  
*Buffalo Business First*, May 29, 2015

Entrepreneurial Attitude: Raising Capital and Clashing Cultures Challenge Startups  
*Buffalo Business First*, January 9, 2015

### **Publications**

Privacy Policy Updates and Considerations  
*Startup Blog Alert*, September 21, 2016

WNY Life Sciences Companies, Students Teaming Up  
*Startup Blog Alert*, September 8, 2016

Pack Smarter When Preparing a Patent Application for Europe  
*Startup Blog Alert*, August 9, 2016

Accelerator for Women-led Startups Announced in Waterloo, Ontario  
*Startup Blog Alert*, June 20, 2016

Work Made For Hire  
*Startup Blog Alert*, April 28, 2016

Tax Consequences of Crowdfunding  
*Startup Blog Alert*, April 28, 2016

## STARTUPS & EMERGING COMPANIES

Startups Help Region Escape Underdog Status

*Buffalo Business First*, July 2, 2015

Who Wins With Google's New Patent Marketplace (Other Than Google)?

*JD Supra*, May 14, 2015

### **Presentations & Events**

US Readiness Online Immersive 6.0

June 20, 2023

When and How do You Start a Company in the USA?

November 30, 2022

Virtual Bridge Market Entry Program – Getting Started in the U.S.

March 14, 2022

Virtual Bridge Market Entry Program – Introduction to Software Licensing in the U.S.

March 14, 2022

Virtual Bridge Market Entry Program – Legal Issues in Financing, M&A, and Fundraising

March 9, 2022

Protecting and Monetizing Your Innovation and Product

Cornell Tech, January 25, 2022

Virtual Bridge Market Entry Program – Intelligent Machine Technologies

November 23, 2021

Introduction to Intellectual Property: Protecting Your Brand and Technology

October 4, 2021

Urban Mobility & the Industrial Internet of Things (IIoT) Forum: New Models for Deployment in Smart Cities

Wells Fargo Learning Center, 150 E 42nd Street, New York, New York 10017, December 1, 2017

2015 UVM I2V Conference Roundtable: mHealth App Development & Regulation

Burlington, VT, April 2, 2015