

Emerging Companies

Attorneys in Rothwell Figg's Emerging Companies practice are focused on the unique needs of innovative early-stage clients. For these companies, intellectual property is at the heart of their competitive strategy, and often is their most valuable asset. IP is the key to venture funding, deterring competitors, and ultimately, marketplace success. Patents and the technology they protect can also be licensed or sold as assets in and of themselves. Regardless of the course clients choose, we help ensure that for companies new to the process, IP is protected thoroughly, cost-effectively, and strategically.

Throughout their growth we provide promising early-stage companies with strategic advice, counseling, and assistance they need to realize their full potential. We work with these clients to maximize the value of their IP portfolios, forge strategic relationships, structure key deals, develop internal policies, and take other critical steps to prepare for success both early on and down the road, including through funding rounds and exits.

Typically, this begins with counseling them on the establishment of a formal internal process for patent protection. This can include training company management on the basics of patent law and its applicability, deadlines, and how the two work together. In particular, it is essential to make appropriate decisions regarding patent protection before demonstrating products, discussing them in the trade press, or offering them for sale.

We also provide counseling and guidance on processes for ensuring appropriate assignment or licensing of IP developed by the founders prior to a company's formal incorporation, or by employees or consultants after incorporation. Failure to do this exposes many startups to enormous, perhaps fatal, liability which can be particularly damaging to plans for an exit, or for funding.

We are a long-recognized legal powerhouse in serving technology-based companies. We often begin client relationships in the very early stages of their growth, when protection of core technology is essential. Accordingly, we possess a deep understanding of the myriad challenges emerging companies face when establishing themselves in their respective markets. Territory that can be unfamiliar to early stage companies is well-known to us.

We frequently get into the trenches with our clients and work as a valued member of the executive leadership team, particularly in situations where a client lacks in-house or established counsel, or where we augment existing counsel. We routinely participate in board and investor discussions addressing a broad spectrum of legal issues and strategic matters, and readily assist in other areas.

Our team excels at deciphering key translational aspects of a wide range of technologies and maximizing leverage in the context of a client's desired implementation of such technologies, whether as participants in dynamic markets or as first movers. We have extensive experience in many technologies and industry sectors: life sciences, including pharmaceuticals, genetic engineering, biosimilars, and plant science, information technology, media, software, artificial intelligence, medical devices, communications, internet and digital media, tokenization and blockchain technology, cybersecurity, fintech, advanced

electronics, semiconductor devices, and a wide variety of mechanical systems and devices.

Regardless of the market in which an emerging company competes, the technology it has developed or the trajectory it is taking, IP is necessarily a fundamental element of strategy. As counselors to emerging companies, our role is to ensure that strategy, technology, and intellectual property law work together to maximize opportunities and minimize risk for entrepreneurs, customers, and investors.

Rothwell Figg's Emerging Companies Blog, *RF Emerge*, is a resource for early-stage companies providing content on common challenges they face, pertinent industry trends and analysis, and key legal developments affecting emerging companies. The content on this site is generated and edited by Rothwell Figg attorneys who serve such growth companies in the firm's emerging companies practice.