

OUR PRACTICE

Emerging Companies

Emerging companies take many shapes and forms, but they all have significant legal needs that must be addressed to ensure long-term success. The Emerging Companies lawyers tailor their services to the needs of each company. In addition, we offer fixed-fee legal services and educational programs to provide affordable legal services and support for early-stage companies.

Our team members collaborate with emerging companies through all stages of their development, providing innovative solutions for the legal and business challenges they face. Examples of the services we provide include:

Formation – *Entity formation is a crucial stage for companies, as it sets the foundation for a business's future.*

Baker Donelson lawyers advise on business strategy and planning, assembling the founding management team, selecting and forming the appropriate business entity, and raising necessary capital from investors who can support and accelerate the company's growth.

Contracts – *Businesses have many contracts that need to be reviewed and managed.*

We have decades of experience advising clients on contracts outlining many types of relationships and transactions. In addition to helping businesses review and negotiate customer and vendor agreements, our team assists companies in the preparation and management of forms for frequent interactions that are critical to their businesses.

Capital – *Capital is a precious resource and the lifeblood of emerging companies.*

We advise clients on both debt and equity financing, including convertible notes, venture capital and angel investments. We provide clients with strategic guidance about the best options for each company's particular situation, and we assist clients in planning and conducting negotiations to ensure that they obtain the best terms.

Technology – *Technology allows emerging companies to grow and work smarter.*

Our lawyers assist clients daily with the wide-ranging issues of business technology law. With more than 150 years of cumulative experience within our Business Technology Group, Baker Donelson provides clients with counsel on all types of business transactions involving the purchase, sale and licensing of technology products and services.

Intellectual Property – *Emerging companies rely on the potential of their ideas, which means they must protect their intellectual property in order to move forward confidently.*

Our team's skilled patent attorneys work with emerging companies in the development and protection of their companies' intellectual property (IP) rights. We also work with clients to leverage their IP through licensing, development, resale distribution and other strategic agreements that generate revenue streams as well as additional business opportunities.

Employment – *Growing companies need to support and provide proper incentives for employees.*

We advise many emerging businesses on employment issues, including preparing executive employment agreements; implementing stock option and other employee incentive plans; structuring employee benefit plans; establishing consulting or contractor agreements; and developing human resource policies and handbooks.

Compliance – *Many emerging businesses are unaware of the numerous and complex legal and regulatory compliance risks they face.*

Baker Donelson's attorneys counsel clients regarding the local, state, federal and international laws and regulations their emerging companies must comply with, including taxation, confidentiality, HIPAA and proprietary information agreements.

Mergers and Acquisitions – *As emerging businesses grow, many pursue deals to expand operations, acquire other companies or secure new revenue streams.*

Our team's experienced corporate attorneys ensure that our clients' deals are not only legally and technically sound, but that they fit with the company's strategic objectives as well. Our focus is always on doing the deal that helps our clients achieve their goals.

Members of our Emerging Companies Group work with all types of rapid-growth companies operating in a wide range of industries, including information technology, digital media, life sciences, health care, alternative energy/cleantech, telecommunications and technology-enabled services.



Representative Matters

- Assisted a private company with a record-setting sale of a domain name to a public company buyer. The domain name sold for almost \$5 million, making it one of the most expensive domain name sales in history.
- Represented a health and wellness SaaS provider in connection with a \$1.2 million Series A-3 Preferred financing transaction.
- Represented a direct-to-consumer products and services company in connection with a \$47 million equity investment, a \$15 million secured line of credit and an exclusive supplier agreement with a strategic partner.
- Represented a provider of SaaS donor management software for non-profits in connection with a \$3.5 million Series A Preferred Stock financing transaction.
- Represented an IT solutions provider in its purchase of a Wisconsin-based venture company for \$15 million in a combined private stock and cash transaction. The transaction involved refinancing with new senior debt and financing (combined \$23.9 million) with detachable warrants.
- Assisted in the formation and initial financing of multiple startup companies, including advising as to strategic development and incentive programs
- Assisted in the formation of early-stage companies in industries including life sciences, information technology and health care.
- Represented venture capital firms in connection with startup accelerators, related investment vehicles and investments in portfolio companies.
- Represented a cardiovascular health care company in connection with its offering of \$40 million of debt and preferred equity to a private investment firm.
- Represented Slope.io, Inc., a clinical operations solution company, in a \$20 million Series A financing led by global venture capital firm New Enterprise Associates, Inc. (NEA), to accelerate go-to-market efforts and further expand into decentralized and direct-to-patient clinical trials.

- Represented a technology startup company in its \$15 million Series A venture capital financing.