

## Technology

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Best & Flanagan has a long track record working with start-up, emerging and publically traded technology companies. We know what it takes to both meet the criteria and high expectations of technology companies, and work within the fast moving environment of the tech world. Whether our client is a large, industry leader or emerging growth company, our legal savvy and technical abilities allow us to provide insight into the legal issues facing fast paced and forward looking tech organizations.

Best & Flanagan provides legal counsel to each client's specific requirements throughout the growth and development lifecycle of their organization. We advise on issues ranging from angel and venture financing, private equity, mergers and acquisitions and securities; to employment, labor, benefits and executive compensation; to branding and intellectual property; to real estate, litigation and tax.

Often the cornerstone of a tech-related business, technology industry clients require lawyers who understand how to protect their intellectual property assets. As such, we provide patent, trademark and copyright counseling to a diverse clientele yielding from such market segments as computer hardware and software, life sciences, medical devices, pharmaceuticals, computer imaging, process control systems, electronic gaming and publishing, Web-based business, retail, publishing, content development and e-commerce based enterprises.

Our technology lawyers provide business counsel to help clients build and maximize their intellectual property value. We serve as counsel in mergers, acquisitions and dispositions, as well as in joint ventures, strategic alliances and intellectual property asset acquisitions. We also help clients develop internal processes to protect their intellectual property rights, and draft employment, nondisclosure and confidentiality agreements. We conduct intellectual property audits and structure a wide range of commercial agreements to address licensing, software development, supply and distribution, e-commerce, and technology investment issues. To ensure that we are meeting our clients' needs, our intellectual property lawyers are flexible and adaptable in fee arrangements that maximize efficiency, value and service. We help clients understand the implications of what they are facing and work to find cost-effective solutions to maximize the value of technologies, helping to avoid costly litigation and other intellectual property issues.

## Experience

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We have the depth of experience to advise clients in all online aspects of their businesses, including:

- › Application Service Provider (ASP) Agreements
- › Biotechnology, Medical Device and Healthcare Development Initiatives
- › Cloud computing services
- › Counseling on Software Disputes and Litigation Settlements Involving Licensing
- › Creating and Drafting Supply and Distribution Agreements
- › Data Destruction Standards
- › Data Protection and Safeguards, Security Breach Notification and Confidential Information Amendments, including the Privacy Provisions under the Gramm-Leach-Bliley Act (GLBA) and Interagency Guidance on Response Programs, and Guidance provided by Office of the Comptroller of Currency (OCC) regulations and the Banking Industry Technology Secretariat (BITS)
- › e-Commerce and Internet-Related Disputes
- › Employment and Independent Contractor Agreements
- › Export Counseling (e.g., Berry Amendment, Buy American Act and Software and Technology Regulated under the Bureau of Industry

and Security's (BIS) Export Administration Regulations (EAR))

- › Global Data Security Issues
- › Governmental Licensing
- › Guidance Regarding Loyalty, Rewards Programs and Gift Cards
- › Internet Service Provider (ISP) Agreements, including High Speed Connectivity, Server Co-Location, Business Continuity/Disaster Recovery, Managed Services and Hosting Agreements
- › Internet Terms of Use and Privacy Policies
- › ICANN and Domain Names
- › IP Protection and Risk Avoidance
- › License Agreements
- › Negotiate and Form Joint Ventures and Strategic Alliances
- › Nondisclosure and Confidentiality Agreements
- › Original Equipment Manufacturer (OEM) Agreements for hardware and software
- › Outsourcing of Information Technology, such as web site development, web hosting, content
- › Patent Licensing and Other Transfers
- › Open Source Code
- › Software Escrow Agreements
- › Perform Due Diligence on the IP Aspects of Mergers and Acquisitions and the Necessary Technology Transfer Agreements
- › Procurement and Request for Proposal (RFP) Documents
- › Provide Counsel on Business-Related Matters, including Antitrust and Competition Issues
- › Purchases of Technology Products and Services
- › Regulatory compliance
- › Software as a Service (SaaS) Agreements
- › Web Linking Agreements

## **Related Practices**

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Intellectual Property

## **Related Professionals**

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- › David Schelzel, Attorney
- › Alexander Farrell, Attorney
- › David Zubke, Attorney