

Children's products manufacturers and distributors face a number of issues that are unique to the industry. Before any new enterprise enters the juvenile products market, or introduces a new product line in the industry, it is important to understand and anticipate these unique issues before they arise, and before significant expenditures are invested in the new enterprise or product line.

Stinson Leonard Street attorneys have the knowledge and experience to help manufacturers and distributors of children's products of all types—especially those companies and entrepreneurs who are new to the children's products industry and who are looking for added guidance in bringing an idea to market and in navigating the unique regulatory and intellectual property issues that children's products companies face. Stinson offers alternative fee arrangements that provide new businesses with an opportunity to predict costs without sacrificing sound legal advice in the critical first year of development. We are committed to developing long-term working relationships with our emerging business clients. Our experience has taught us the importance of these ties as a business grows into a successful, mature enterprise. We look forward to making that journey with you.

The following exhibit provides a list of legal services we can provide in the various stages of bringing your children's product idea to production.

STAGE 1: CONSULTATION, REGULATORY RESEARCH

- » Free consultation to discuss product/design and business plan (up to one hour)
- » Research on regulations pertaining to product/design—update client on same

Attorney(s) involved: Michelle Corrigan Erikson

STAGE 2: ENTITY FORMATION, TAX ADVICE, FINANCE/FUNDING

- » Consultation regarding options for business entity formation and each option's tax implications
- » Preparation of employee protective agreements
- » Formation of business entity with appropriate jurisdictions
- » Preparation of transactional agreements with customers and vendors
- » Consultation regarding agreements among equity owners

Attorney(s) involved: Deborah Bayles, Troy Kendrick, Victoria Donovan

STAGE 3: INTELLECTUAL PROPERTY (IN TANGENT WITH STAGE 2)

- » Initial consultation to discuss intellectual property protection and infringement risks generally (trademark, patent, copyright and trade secrets)
- » Ownership/assignment agreements (brand consultants, ad agency, engineering consultants, web developers, employees)
- » Trademark availability search and registration, trademarks for product name
- » Non-Disclosure and Assignment Agreements (prototypers, manufacturers, potential licensees, investors, employees)
- » Patentability assessment/search
- » License agreements
- » Patent infringement assessment and applications

Attorney(s) involved: Joel Leviton, Penny Slicer

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STAGE 4: START PRODUCTION, WARNINGS, THIRD PARTY TESTING

- » Consult on 3rd party testing in addition to referral to 3rd party testing facility
- » Advertising
- » Consult on packaging and warning labels
- » Manufacturing agreements
- » Vendor contracts
- » Licensing agreements

Attorney(s) involved: Deborah Bayles, Joel Leviton, Michelle Corrigan Erikson

STAGE 5: POST PRODUCTION GENERAL COUNSELING

- » Intellectual Property
- » Regulatory
- » Litigation
- » Employment
- » Product liability
- » Fulfillment of warehouse agreements
- » Terms and conditions of sale
- » Warranty issues
- » Sales representative agreements
- » Website design/development agreements
- » Privacy policies
- » Antitrust (pricing issues)
- » CSPC compliance and communication
- » Co-branding/licensing
- » Marketing/advertising agreements

Attorney(s) involved: Michelle Corrigan Erikson, Joel Leviton

PRICING AND FEE ARRANGEMENTS

Depending on the services needed, the nature of the product and other factors, we will develop a fee arrangement tailored to the needs of a client. As an alternative to our standard rates, Stinson provides alternative fee arrangements that offer predictability in legal spend, cost efficiencies and risk/reward sharing with our clients. Although no single billing arrangement will fit all situations, we have had remarkable success in establishing creative pricing arrangements with our clients. Any pricing arrangement will be reviewed annually, or on a more frequent basis if appropriate, to ensure that it continues to meet the needs of all parties. As part of our review, we will present you with a detailed summary of our work during that year.

Of the firm's 7,000 active matters, approximately 1,000 are using an alternative fee arrangement. The percentage of arrangements by type this year – excluding discounts, agreed upon rates, and hybrid pricing arrangements – are as follows:

- Blended Billing Rate (33%) • Volume Discount (32%) • Fixed Fees (7%) • Capped Fee (27%) • Success Fee (1%)

Pricing options can be discussed further as part of the initial consultation mentioned in Stage 1.

CONTACT US



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