

## CHILDREN'S PRODUCTS: FROM IDEA TO PRODUCTION

### Legal Services During the Product Lifecycle

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 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 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
- Formation of business entity with appropriate jurisdictions
- Consultation regarding financing options, the financing and funding process, and what to expect in the fundraising process
- Consultation regarding compliance with securities laws and documenting investments to enable future growth and investment
- Consultation regarding agreements among equity owners
- Preparation of employee protective agreements
- Preparation of transactional agreements with customers and vendors

**Attorneys 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 (trademark, patent, copyright and trade secrets)
- Trademark availability search and registration
- Patentability search and assessment
- Patent application preparation and prosecution
- Patent clearance search and infringement assessment
- Ownership/assignment agreements (brand consultants, ad agencies, manufacturers, engineering consultants, web developers, employees)
- Non-Disclosure agreements (prototypers, manufacturers, engineering consultants, potential licensees, investors, employees)
- License agreements

**Attorneys involved:** Joel Leviton, Penny Slicer, David Kim, Victoria Donovan

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## STAGE 4: START PRODUCTION, WARNINGS, THIRD PARTY TESTING

- Consult on third party testing in addition to referral to third party testing facility
- Advertising
- Consult on packaging and warning labels
- Manufacturing agreements
- Vendor Contracts
- Licensing agreements
- Consultations regarding non-disclosure agreements and arrangements with manufacturing entities, vendors, co-developers
- Revenue sharing arrangements
- Joint venture arrangements
- Consultation on exit planning and setting company up for successful exits and succession planning
- Intellectual property marking

**Attorneys involved:** Deborah Bayles, Joel Leviton, Michelle Corrigan Erikson, David Kim, Victoria Donovan

## 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

**Attorneys involved:** Michelle Corrigan Erikson, Joel Leviton, Nicci Warr

## PRICING AND FEE ARRANGEMENTS

Depending on the services needed, the nature of the product and other factors, we can develop a fee arrangement tailored to the needs of a client. Although no single billing arrangement will fit all situations, and as an alternative for hourly rates, Stinson can offer alternative fee arrangements that offer predictability in legal spend, cost efficiencies and risk/reward sharing with our clients. Pricing options can be discussed as part of the initial Stage 1 consultation.

## CONTACTS



**Michelle Corrigan Erikson**  
**PARTNER / ST. LOUIS**  
314.259.4571  
michelle.corrigan@stinson.com



**Deborah Bayles**  
**PARTNER / DENVER**  
303.376.8401  
deborah.bayles@stinson.com



**Troy Kendrick, Jr.**  
**PARTNER / ST. LOUIS**  
314.719.3011  
troy.kendrick@stinson.com



**Joel Leviton**  
**PARTNER / MINNEAPOLIS**  
612.335.1562  
joel.leviton@stinson.com



**Penny Slicer**  
**PARTNER / KANSAS CITY**  
816.691.3438  
penny.slicer@stinson.com



**Victoria Donovan**  
**PARTNER / DENVER**  
303.376.8431  
victoria.donovan@stinson.com



**David Kim**  
**PARTNER / ST. LOUIS**  
314.259.4569  
david.kim@stinson.com



**Nicci Warr**  
**PARTNER / ST. LOUIS**  
314.259.4570  
nicci.warr@stinson.com