Agribusiness & Food Technology

Digging Deeper

In today's increasingly complex and technology-focused agribusiness and food industry landscape, innovative businesses partner with Kilpatrick to help build value and acquire a competitive edge.

We represent a broad range of clients engaged in traditional farming and plant technology, animal health, food sciences, food producers and brands, supply chain logistics, energy, and finance. We help clients in these and many related fields to create, expand, and protect the value of their businesses and most prized assets.

We provide highly responsive client service and business-savvy legal counsel throughout the lifecycle of a business. To service our clients in the most efficient and cost-effective way possible, our integrated teams provide strategic legal advice for intellectual property, corporate finance, litigation, government relations, energy, real estate, emerging technologies, opportunity zones, supply chains and logistics, food labeling and advertising and related matters.

Corporate and Finance

Kilpatrick has been a leader in the field of corporate finance law for nearly 100 years. With more than 150 corporate attorneys, we conduct our practice throughout North America and in large portions of Europe, Asia, the Middle East, and South America. We regularly advise agriculture and food industry companies across the entire range of complex corporate transactions. Our team has decades of experience and can marshal the broad range of resources and disciplines that are critical to completing complex transactions under the time and cost constraints that mid-sized public companies face today. Our corporate clients tell us that, though they value and appreciate our technical expertise, what sets us apart from their other professional advisors is our ability to offer creative and practical solutions to help them achieve their corporate goals. They tell us that our ability to translate complicated rules into plain English and provide practical guidance towards workable solutions helps them sell their projects internally and makes them look good for having hired us. Our corporate practice is tailored to be responsive to the needs of our predominantly middle-market corporate clients, and our platform allows us the flexibility to offer a range of billing options, from the traditional hourly rate basis, to monthly retainers, to fixed or capped fees, based on the client's budget and project scope.

Litigation

Kilpatrick's Complex Commercial Litigation team handles cases in courts across the U.S., and represents clients in arbitrations worldwide. The team specializes in general commercial litigation, contract lawsuits, business torts, unfair competition, consumer claims, class actions, and other disputes that directly impact our clients' competitive position in the markets they serve. Our commercial litigators are recognized for their trial and appellate advocacy skills by the American College of Trial Lawyers and many other organizations and publications. Our attorneys are also very proficient at resolving matters through alternative dispute resolution and have handled a wide variety of cases throughout all of the major national and international arbitration centers and under the laws of many jurisdictions. We handle

both high value and high volume/low value matters with a proven system to ensure quick and accurate responses, protection of confidential information, and cost-sensitivity. We help clients successfully resolve multi-million dollar contract, intellectual property, franchise, and employment disputes, enforcing awards both domestically and internationally. Recognizing that alternative dispute resolution can offer a timely, risk-controlled, and cost-effective alternative to litigation, we have developed a system to assess our clients' contractual provisions before disagreements arise and properly structure the dispute resolution mechanisms and clauses in form and customized contracts.

Government Relations

Navigating the governmental labyrinth presents a spectrum of opportunities for emerging and established private entities. Particularly with a focus on advanced medical therapies and the demand for consistent food security, the governmental interest in promoting and regulating Agriculture Technologies is going to grow year over year. We can help. At Kilpatrick, our Government Relations Team bring years of experience representing legacy agriculture, advanced technology, private equity, and Fortune 500 companies before legislative leadership around the country and in Washington, D.C.

Energy

To keep up with the fast-changing and complex energy sector, businesses need legal counsel with a thorough understanding of the industry, as well as the innovative know-how and legal savvy to achieve client goals. Kilpatrick's Energy Team can support agriculture and food industry clients with issues related to clean energy such as solar, biomass, clean fuels, and energy storage projects, while also helping farms and food producers implement sustainable energy programs and practices. We provide corporate and institutional energy consumers, developers, vendors, producers, generators, investors, lenders, entrepreneurs, and manufacturers with the pragmatic counsel required to handle all aspects of energy investment, energy procurement, oil and gas, and project development and finance matters.

Real Estate

To support the complex real estate and land use issues faced by the modern agriculture industry, Kilpatrick has a national real estate practice with real estate lawyers located or licensed in New York, Texas, Georgia, Virginia, North Carolina, and South Carolina. We serve the needs of clients in the real estate industry and clients engaged in real estate transactions incidental to other businesses, in acquisitions, development, construction financing (debt and equity), ownership, management, leasing and dispositions of, and equity investments in, all types of commercial real estate, including opportunity zones, data centers, and energy projects.

Intellectual Property

Agriculture and food industry clients have realized substantial value and marketplace success with help from more than 300 Kilpatrick attorneys dedicated to patent, trademark, copyright, advertising, and/or trade secrets law. Our firm boasts the rare combination of a self-sufficient, all-encompassing IP practice backed by the resources and capabilities of a full-service law firm. Our highly specialized attorneys offer comprehensive registration, transactional, and litigation services across all aspects of IP law when helping agriculture and food industry clients create, build, and protect their most valuable assets — their brands and ideas.

We have a diverse practice and assist clients all over the globe with:

- Patent prosecution, counseling and licensing
- IP due diligence and transactions
- Patent litigation and proceedings before the PTAB

- Trademark registration, counseling and licensing
- Trademark and trade dress litigation
- Copyright transactions and counseling
- Copyright litigation
- Advertising litigation
- Franchise counseling and litigation

Opportunity Zones and Economic Development

Because we live and work in many of the Nation's most prolific agriculture and food producing regions, we understand the unique challenges and opportunities inherent in these industries. We understand as well the differences between how business is done from the Silicon Valley, to the Central Valley to the Piedmont Plains of Texas and the Southern Piedmont region. We partner with economic development organizations such as Georgia Innovates as well as state educational and research institutions to foster economic development and help businesses navigate the legal issues that arise out of the federal Opportunity Zone program. We counsel small, family owned and minority-owned farms and businesses through these complicated programs and help them secure vital financing and governmental support for emerging farming and food producing ventures.

Supply Chain and Logistics

Producing crops and food products are only half of the battle. Kilpatrick has a nationally recognized practice that focuses exclusively on commercial agreements. Our team routinely works with both buyers and sellers of goods, services, and technology, and provides experienced counsel to clients in connection with a wide range of complex business transactions and relationships, many of which involve technology and intellectual property. We understand the needs of both parties and can efficiently craft solution-oriented documents that protect our clients' interests without the need for lengthy "trench warfare" negotiations that slowly inch somewhere towards the middle ground. We offer a strategic and solution-oriented approach. We are committed to providing clients with a balanced and solution-oriented approach that is tailored to achieve the strategic business objectives of our clients while managing the attendant risks. We have a nimble team with senior expertise actively deployed by accessible partners dedicated to each project, but generally offering lower rates than partners at comparable firms, in addition to being amenable to custom pricing approaches.

Food Labeling and Advertising

As part of our trademark services discussed earlier under IP, we routinely counsel on and litigate such issues as advertising compliance and substantiation. We advise clients regarding Federal Trade Commission (FTC) advertising and labeling compliance and similar issues under Food and Drug Administration, United States Department of Agriculture and other regulatory schemes. We have litigated numerous false advertising and unfair competition cases under section 43(a) of the Lanham Act and corresponding state laws.

Emerging Technologies

Kilpatrick is uniquely qualified to help agriculture and food industry clients adapt new technologies to their business. Our technology-focused intellectual property practice enables us to apply innovations in one industry to others. For example, our work on drones and drone-related technology for numerous technology companies has resulted in expertise that is critical to support modern farming techniques and protect proprietary inventions. We can also help our clients to understand the legal, privacy and regulatory issues related to drone usage as well as federal and state restrictions. We are also leaders in

applying new technology to old problems, with the ability to leverage our work on blockchain and distributed networks in the financial services industry to supply chain logistics for farmers and food companies to move products from farm to table.

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