

BREWERIES, MICROBREWERIES AND BREW PUBS



LAWYERS WHO KNOW THE BEER INDUSTRY

Passion. That's a quality present in almost every individual involved in the beer industry, from master brewers and marketing gurus to distribution chain experts and publicans. And is it any wonder? Not many crafts can reference over 5,000 years of recorded history, an incredibly rich tradition of innovation that literally spans the globe. It's a passion that our alcohol and beverage lawyers at Stoel Rives well understand, both as beer consumers and as counselors to multinational and regional breweries, start-up microbreweries and distributors. If you want the assurance that comes with working with a legal advisor who is connected, knowledgeable and passionate about your business, then look no further than Stoel Rives. In fact, our firm has recently received national recognition for its alcoholic beverages practice by being selected by *Chambers USA* as having a top Food & Beverage (Alcohol) practice nationwide.

FULL-SERVICE SOLUTION

Passion is a key ingredient for success in the brewing industry, and so is a solid, strategic business plan. That business plan needs to focus on the following: (1) licensing and regulatory compliance; (2) distribution strategies; (3) brand development and protection; (4) advertising and seasonal promotion clearance; (5) strategic acquisitions and divestitures; and (6) capitalization and cash flow requirements. Advice from a trusted legal partner is crucial to successfully navigating these issues. That's where our alcohol and beverage professionals come in.

HOW STOEL RIVES CAN HELP

We have worked with clients in the beer industry for decades on virtually every aspect of their business. Backed by nearly 400 Stoel Rives attorneys who provide the full spectrum of traditional legal services, our alcohol and beverage professionals provide counsel to brewing industry clients on the following core industry issues:

Regulatory Compliance

Alcohol is a highly regulated commodity - and beer is no exception. At the federal level, the Federal Alcohol Administration Act of 1935 and associated regulations impose a series of licensing, labeling, formulation, advertising (television, radio, print and web-based ads) and promotional event requirements wherever interstate commerce is implicated. At the state level, each state individually regulates the distribution and sale of beer and associated trade practices, through a combination of licensing, direct control and excise tax mechanisms. Our attorneys have extensive experience in working through all these issues, and have developed excellent working relationships with the staffs at the Alcohol & Tobacco Tax & Trade Bureau (TTB), the Federal Trade Commission (FTC) and state alcohol beverage control agencies and commissions throughout the United States.

Distribution

Distribution strategy is crucial for any beer producer. Most states still mandate a three-tier distribution system requiring producers to sell to wholesalers, and wholesalers in turn to sell to retailers. Our lawyers have negotiated numerous distribution contracts, and routinely counsel clients on establishing and managing distribution networks, as well as e-commerce activities. In case of a dispute, our litigators have extensive experience handling alcohol distributor and broker terminations in states with and without beverage franchise laws, as well as litigating issues of cause, rights to new products and brand extensions, and obligations of successor brand owners.

Corporate and Transactional

For our publically traded and privately held beer industry clients we provide a full suite of corporate services, including corporate governance and compliance, finance, and mergers and acquisitions, all with attention to how the federal and state alcohol regulatory schemes affect each issue. We provide the same level of industry-specific guidance when we advise start-ups on venture capital options, entity formation and business planning strategies.

Intellectual Property

Brand development and protection is critical to any brewing business. We have extensive experience working with our clients to evaluate new brand and product names for non-infringement, protectability and compliance with specific state and federal alcohol regulatory restrictions. We also provide traditional trademark registration and portfolio management services and assist with state brand name registrations and Certificate of Label Approval (COLA) procurement. Our intellectual property attorneys work on Lanham Act issues involving defense of famous trademarks, brand name recognition, and protection of corporate reputation.





A Partner in Sustainability

As a brewer or distributor, going “green” is not just a catchword anymore. Cost savings generated by a commitment to the three Rs (reduce, reuse and recycle) can be significant, ranging from energy conservation and green building techniques to the adoption of cutting-edge renewable energy systems such as wind, solar, cogeneration,

fuel-cells and methane generation. Perhaps just as significant, positioning yourself as a “green business” can offer competitive advantages in an increasingly “carbon-conscious” consumer-market.

When it comes to sustainability, you have a partner in Stoel Rives. Currently rated one of the nation’s 10 best renewable energy law practices by independent researcher Chambers and Partners, we began walking the talk on sustainability nearly two decades ago. We currently offset

100 percent of our electricity usage in seven states through the purchase of green tags, and we promote energy conservation, clean energy production, waste reduction, mass transit use, and environmentally friendly vendors and products through a series of initiatives overseen by an in-house Sustainability Committee. Visit www.stoel.com/sustainability for more information.

REPRESENTATIVE CLIENTS

McMenamins Pub, Portland, Oregon

McMenamins is the fourth-largest producer of microbrewed beer in a region that is known for crafting some of the world’s best ales. This diversified company operates more than 50 pubs, bars, microbreweries and restaurants in Oregon and Washington.

Pike Brewing Company, Seattle, Washington

Pike opened in 1989 concentrating on beers of exceptional quality. Pike’s beers are distributed, on draft and in bottle, in pubs, restaurants and stores in the NW.

Kona Brewing Company, Kailua Kona, Hawaii

Kona handcrafts award-winning ales and lagers on the Big Island of Hawaii. Kona also operates brew pubs in Kona on the Big Island of Hawaii and Koko Marina near Honolulu on Oahu. Kona’s beers are available in Japan and throughout the United States. The brewery, which produces more than 10,000 barrels of beer per year, launched its first organic beer in 2009.

Rogue Ales, Newport, Oregon

A craft brewery operating brewpubs in Oregon, Washington and California, Rogue to date has produced more than 60 different ales using a non-pasteurized process with no preservatives and all-natural ingredients.

BJ’s Restaurants, Inc., Huntington Beach, California

BJ’s brewing operations in multiple states supply handcrafted beer to its more than 90 casual dining restaurants under the BJ’s Restaurant & Brewery, BJ’s Restaurant & Brewhouse and BJ’s Pizza.

Craft Brewers Alliance Inc., Portland, Oregon

Craft Brewers Alliance is a leading brewer of high-quality hand crafted beers in the United States. The company offers approximately 30 craft beers that are available regionally and nationally. Its brands include Longhammer IPA, Widmer Hefeweizen, Longboard Island Lager and Oatmeal Stout.

Cascade Brewing Company, Portland, Oregon

Cascade was established in southwest Portland at the inception of Oregon’s craft beer industry. It has developed a line of ultra-premium, oak barrel-aged, lactic-fermented Northwest sour-style beers that range from lambic-style fruit beers to red ales.

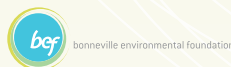
BREWERIES, MICROBREWERIES AND BREW PUBS



For more information about our Breweries, Microbreweries and Brew Pubs Services please visit:

www.stoel.com/foodbeveragehospitality

Stoel Rives is proud to purchase Renewable Energy Credits to offset 100 percent of its firmwide electricity usage.



Stoel Rives LLP is a U.S. business law firm with nearly 400 lawyers. The firm is a leader in corporate and securities, energy, intellectual property, litigation, and natural resources and environmental law. For more information about Stoel Rives and our offices in Alaska, California, Idaho, Minnesota, Oregon, Utah and Washington, please visit www.stoel.com or contact our breweries, microbreweries and brew pubs services lawyers at (800) 88-STOEL.

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