

Clean Technology

Andrews Kurth has counseled energy technology companies for more than a century. Companies developing new energy technologies and renewable energy represent the latest wave of innovation in the energy and technology industries, and Andrews Kurth has been on the cutting edge of these innovations in recent decades.

We counsel energy and clean technology companies, venture capitalists, private equity firms, investment banks, lenders and traders on relevant issues in the clean technology industry. Our attorneys have deep experience with venture capital, private equity and project finance transactions as well as intellectual property, environmental and regulatory matters in the energy and clean technology sector. Our team is dedicated to the representation of emerging clean technology companies from inception to IPO and beyond.

Range of Experience

Our Technology and Emerging Companies group powers our representation of the clean technology industry. Because clean technology companies face many of the issues that confront energy companies, we also leverage our more than 100 year history of advising energy companies to advise our clean technology clients on these issues. We make effective use of our full service platform that includes attorneys in our Private Equity, Project Finance, Capital Markets, Government Opportunities, Energy Regulatory, Environmental, Climate Change and Carbon Markets, Intellectual Property, Tax and Real Estate groups, to counsel public and private clean technology companies at all stages of development—from early-stage companies to emerging growth companies to mature public companies.

Andrews Kurth attorneys have experience both in government service and in private practice. Our Washington, DC office includes a former senior DoE official, who is a director of the leading renewable energy trade association and a past chair of the American Bar Association's Renewable Energy Resource Committee.

Range of Industry Technologies

Our attorneys recognize how new technology developments affect and may be regulated in the emerging energy world. We maintain ongoing relationships with private equity firms, venture capital firms and major banks, and counsel them on the impact of new energy regulations.

Andrews Kurth represents companies and entrepreneurs developing and commercializing technologies in a number of clean technology sectors, including:

- Alternative Energy (including Wind, Solar, Biofuels and algae)
- Battery technologies
- Energy efficiency technologies
- Grid management technologies
- Distributed power generation technologies
- Software
- Controls
- Carbon sequestration technologies
- Sensors

Intellectual Property

Andrews Kurth's Intellectual Property group has been an important driver both in the emerging companies field, and in representing several major aerospace and information technology firms. The IP group has experience in all forms of strategic partnering and development arrangements, and in strategic counseling, patenting, licensing and non-infringement analysis. Our Intellectual Property group has worked with solar, biomass, hydrogen and integrated alternative energy companies.

Clean Technology

Environmental Regulation Area

The emergence of clean technology opportunities has placed greater importance on the changing environmental regulatory area. Our capabilities extend to the full range of environmental regulations that affect permitting of clean technology projects and operations. Andrews Kurth is active in climate change issues from both a legislative and regulatory perspective, and we represent a leading group of companies involved in carbon credit offset development.

Representative Transactions

Venture Capital

- agri.capital - Counsel to company - Series C, Series D, Series E, Series F
- EKA Systems - Counsel to company - Series B, Series C, Series D
- AstroWatt - Counsel to investor (Austin Ventures)
- Site Controls - Counsel to company - Series A, Series B
- Nuventix - Counsel to company - Bridge, Series B, Series C
- Innovative Fluidics - Counsel to company - Series A, Bridge

Project Finance

- 79.5MW Majestic Wind Farm, Texas, July 2008
- 180MW Bull Creek Wind, Texas, June 2008
- 54MW Butler Ridge Wind, Wisconsin, April 2008
- 51MW Wessington Wind, South Dakota, April 2008
- 283.2MW Texas Gulf Wind, Texas, February 2008
- 150MW Sherbino I Wind Farm, Texas, February 2008
- 37.5MW, 91.5MW, 135MW, 240MW and 80.5MW Sweetwater Wind Farm Phases I, II, III, IV and V; Texas, July 2003, August 2004, May 2005, August 2006 and February 2007, respectively

Government Funding

- Biofuels and other innovative fuels technology companies—Representation in applications under the pre-ARRA Loan Guarantee Program and in application for a grant under ARRA
- Coal Company—Provided guidance and strategic advice on application for loan guarantee from the Department of Energy
- Battery Company—Provided guidance and strategic advice on application for DoE grant
- Financial advisory firm, investment banker and project development company—Preparation of an application to be an eligible financing entity under the post-ARRA Loan Guarantee Program
- Regional investment bank—Counseling on possible participation in the program under consideration by DoE for state finance authorities to be eligible lenders
- Renewable energy industry trade association—Ongoing counseling to assure adaptation of Loan Guarantee regulations
- NGOs—Briefings on the ramifications of the Loan Guarantee Program and the other aspects of ARRA to NGOs specializing in state public clean energy funds; public-private partnerships and the American Bar Association
- Advanced transportation and biofuels—Guidance and strategic advice in DoE grant applications in the advanced transportation and biofuels areas including the US Overseas Private Investment Corporation, the International Finance Corporation and the Inter-American Development Bank

Intellectual Property

Clean Technology

- Solar technology company—Represented a solar technology company in a licensing agreement; counseled and assisted the company in working with investors
- Alternative fuels company (bio and hydrogen)—Represented an alternative fuel company in a licensing agreement and patent applications
- Alternative energy company (wind, LNG, advanced fuels)—Provided strategic intellectual property counsel to an alternative energy company that included non-infringement analysis; patentability analysis; and supplier, developer and licensing technology agreements among other IP-related projects
- Solar technology company—Represented a solar technology company in obtaining patents