



---

## crypto assets & blockchain technology

---

MSK's crypto assets and blockchain technology group is a multi-disciplinary department that includes attorneys from our corporate securities, regulatory, intellectual property, real estate, and tax practices. As various regulatory agencies attempt to define or put boundaries on how the technology gets deployed and utilized it's critical to have access to professionals that will guide your business efficiently.

Investment in blockchain and crypto asset companies continues to accelerate, and raising capital through Initial Coin Offerings (ICOs) is expected to continue its meteoric rise. The challenge in getting transactions like that effectuated is with navigating the questions being posed by various regulatory bodies.

Crypto currency is the most common crypto asset using blockchain technology today, with Bitcoin being the most recognizable name, and that is drawing the attention of different agencies. Is it really a currency? Is it an asset? Are digital tokens just a utility for facilitating a transaction? Is it a security?

Between the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Internal Revenue Service, and the Financial Crimes Enforcement Network, among others, launching a company in this undefined atmosphere is remarkably challenging. We help entrepreneurs, investors, and businesses align with existing regulations, as well as stay informed of the rapidly evolving landscape of new rules.

### **cases**

- Preparation of documentation for a dual offering of traditional preferred stock and tokens convertible into such preferred stock for a US company.
- Formation and preparation of documents for a digital asset mining company and a traditional fund that invested into a company relying on the Qualified Opportunity Fund tax breaks.
- Representation of a company building a distributed depository for digital assets.
- Acting as securities counsel in a Regulation D / Regulation S private placement of tokens of an issuer developing payment systems.

### **practice contact**

Nimish Patel

### **attorneys**

Mark J. Geylikman

Mark T. Hiraide

David Wheeler Newman

### **related practices areas**

corporate & business transactions

specialties



- Formation and preparation of fund documents for a tokenized private equity Cayman Islands fund for non-US investors.
- Creation of parallel traditional and tokenized funds investing in both digital assets and traditional equity.
- Formation and preparation of fund documents for a hedge fund investing in digital assets.
- Formation and preparation of fund documents for a private equity fund investing in digital assets.
- Preparation of fund documents for a traditional Cayman fund that intended to purchase solar power plants for cryptocurrency mining operations.
- Participation in a security token offering of a solar power provider.
- Creation and preparation of documents for a master-series fund investing into various ICO projects.
- Formation of various special purpose vehicles for investment into well-known ICOs.
- Conducting legal due diligence review of prospective token issuers on an ICO platform.

## headlines

Nimish Patel Featured by *Law.com* for Kilimanjaro Climb  
*Law.com (ALM Media Properties)*, September 25, 2019

MSK Expands Bi-Coastal Corporate Practice  
February 20, 2019

Nimish Patel Quoted in *blokt* on Cryptocurrency  
June 19, 2018

## news

Mark Hiraide Quoted in *Law360* Discussing SEC Crypto Lawsuits  
January 4, 2024

Mark Hiraide Quoted in *Blockworks*  
August 21, 2023

Mark Hiraide Featured in *Law360*  
August 1, 2023

Mark Hiraide Quoted in *Blockworks*  
August 1, 2023



Ann Calfas and Andrea Cataneo Mentioned in *Bloomberg Law's "Wake Up Call"*  
*Bloomberg Law*, October 28, 2020

Arina Shulga Mentioned in *Bloomberg Law*  
*Bloomberg Law*, February 22, 2019

Nimish Patel Quoted in *Law360* on Crypto & SEC  
September 13, 2018

Nimish Patel and Mark Hiraide Featured in Digital LA's ICO Summit Recap  
March 28, 2018

Nimish Patel Quoted in *Reuters* on Cryptocurrency  
March 21, 2018

Nimish Patel Quoted in *Brave New Coin* on Cryptocurrencies  
March 13, 2018

Nimish Patel Quoted in *PYMNTS*  
March 12, 2018

Nimish Patel Quoted in *Traders Magazine* on Cryptocurrencies  
March 8, 2018

Nimish Patel Quoted in the *New York Law Journal* on Virtual Currencies  
March 8, 2018

## publications

MSK Partner Mark Hiraide co-authored a comment letter to the California Department of Financial Protection and Innovation regarding the regulation of crypto asset-related financial products and services  
August 29, 2022

Simple Mistakes with Hefty Consequences—Skipping on Legal Advice Can End a Fund's Life  
*Bloomberg Law*, February 26, 2019

Regulatory Void in Crypto Fund Regulation  
*Bloomberg Law*, February 2019

Blockchain: Here's What You Need To Know...  
*The Biederman Blog*, December 17, 2018

Checkbook IRAs And Digital Assets: A Bet Against The House  
*Law360*, June 21, 2018



BankThink Cryptocurrency markets are a blur. SEC can do something about it  
*American Banker*, March 21, 2018

## alerts

\$12 Million Judgment Against Celebrity Endorser for Role in Cryptocurrency ICO  
*MSK Client Alert*, June 28, 2021

SEC Commissioner Hester Peirce's Provocative Crypto Proposal  
*MSK Client Alert*, February 11, 2020

Realization & Recognition Events  
*MSK Client Alert*, June 8, 2018

## events & speaking engagements

Impact of Ongoing SEC Crypto Legislation on Governance of Involved Microcap Companies  
February 1, 2024

A Conversation on Crypto  
June 23, 2021

Santa Barbara Blockchain Summit  
November 23, 2019

Crowdfunding and the Law: A Guide to a Successful Crowdfunding Campaign  
November 14, 2019

How To Do A Regulation A+ Offering (For Non-Lawyers)  
August 28, 2019

Successful Capital Raising for Startups  
May 23, 2019

World Cinema & Blockchain Technology (Cannes)  
May 18, 2019

Finders and Unregistered Broker-Dealers: Understanding the Risks and Recent Developments  
May 15, 2019

Capital Raising Through Digital Token Offerings  
April 18, 2019



crypto assets & blockchain technology

---

Blockchain and the Law  
February 2019

Alternative Financing: Reg A+ 2.0  
December 4, 2018

MSK's Capitol Crypto  
June 14, 2018

Initial Coin Offering (LACBA)  
April 25, 2018

ICO Summit  
March 27, 2018