



Timothy J. Capen

Partner

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Timothy J. Capen is a partner in the Firm's Business Group. Tim concentrates his practice in corporate and securities law and in the representation of emerging growth companies and venture capital and private equity funds. He has extensive experience in venture capital financings; private placements; private equity/venture capital fund formations, operations and portfolio company transactions; public offerings; mergers and acquisitions; and general corporate representation.

His practice encompasses the representation of private equity funds and their portfolio companies in a wide variety of transactions, including leveraged buyouts, mergers, stock and asset acquisitions, recapitalizations, private equity investments and bank and mezzanine financings.

Tim frequently counsels private equity sponsors on the formation, marketing, management and regulatory compliance of private equity and venture capital funds, funds-of-funds and other alternative investment vehicles, as well as the operational, legal and regulatory issues faced by such sponsors. In addition, he advises investors in connection with the review and negotiation of fund terms.

Since 2006, Tim has helped place hundreds of millions of dollars of private equity and venture capital investments in a wide variety of business sectors, including both the life sciences and high technology industries. Tim has represented both acquiring and selling companies in merger and acquisition transactions having a total value in excess of several million dollars. Merger and acquisition transaction size has ranged from less than \$10 million to over \$100 million, with the majority being \$50 million or less.

Tim earned his Bachelor of Arts in 2001 from Indiana University. He graduated, magna cum laude, from the Indiana University School of Law–Indianapolis in 2004 and joined Ice Miller in the fall of that year.

He is admitted to practice law in the state of Indiana.

Education

- Indiana University (B.A., 2001)

Services & Industries

- Alternative Investments
- Broker-Dealer & Investment Advisors
- Business
- Emerging Companies Services
- Food & Agribusiness
- Fund Formation & Operation
- Investors with Social Impact Focus
- Life Sciences & Biotechnology
- Mergers & Acquisitions
- Opportunity Zone Initiative
- Portfolio Company Operations
- Private Equity
- Registered Securities Offerings (IPOs)
- Securities & Capital Markets
- Social Enterprise Entities
- Venture Capital

- Indiana University Robert H. McKinney School of Law (J.D., 2004)

Admissions

- Indiana

Professional Affiliations

- Ice Miller Community Involvement Committee

Awards & Honors

- Indiana *Super Lawyers* Rising Stars 2012-2019
- *The Best Lawyers In America*®, Corporate Law, 2024-2026

Community Involvement

- Member, Venture Club of Indiana
- Member, Indiana University Alumni Association

Key Matters

Representative Transactions

- Represented an Indiana-based private equity fund in the sale of one of its portfolio companies for \$85 million.
- Represented a Massachusetts based private equity fund in the sale of one of its portfolio companies for \$75 million.
- Represented ExactTarget, Inc. in connection with its \$186 million initial public offering, listing on the New York Stock Exchange and subsequent secondary follow-on offering of \$194 million.
- Represented an Indiana-based private equity fund in a \$24 million leveraged buy-out of a Washington-based provider of innovative kitchen housewares, tools and accessories.
- Represented an Indiana-based private equity fund in a \$24 million leveraged buy-out of a California-based distributor of innovative cleaning, kitchen, storage, bath and home organizational products.
- Represented an Indiana-based private equity fund in a \$24 million leveraged buy-out of a Michigan based manufacturer and distributor of hair care products.
- Represented ExactTarget, Inc. in its \$95.5 million acquisition of Pardot, LLC.
- Represented ExactTarget, Inc. in its \$21 million acquisition of iGoDigital.
- Represented ExactTarget, Inc. in private equity financing transactions totaling \$145 million in a six-month period.
- Represented the lead investor (an Indiana-based venture capital fund) in a \$30 million venture capital financing transaction with a California-based medical device company.
- Represented Indiana and Minnesota based investor syndicate in \$8 million and \$7 million venture capital financing transactions with a Minnesota based medical device company.
- Represented lead investor in a \$12 million venture capital financing transaction with Scale Computing, Inc.
- Represented an Indiana-based private equity fund in the sale of one of its portfolio companies for \$49 million.
- Represented an Indiana-based registered investment adviser in connection with its formation and capitalization of a multi-manager, multi-strategy fund-of-funds investing predominately in U.S. and non-U.S. investment funds that employ diverse alternative investment strategies across a variety of asset classes, with targeted committed capital of \$100 million.

- Represented an Indiana-based venture capital fund in connection with its formation of a \$30 million venture capital fund and a \$40 million venture capital fund.
- Represented an Indiana-based venture capital fund focused on investment opportunities in certain food and agriculture sectors in connection with its formation and \$35 million limited partnership offering.
- Represented an Indiana-based private equity fund in a \$12.6 million leveraged buy-out of an Illinois-based provider of licensed collegiate apparel and corporate promotional products.
- Represented distributor of industrial tool holders, cutting tools and accessories in sale to New York-based private equity fund.
- Represented a registered investment advisor in connection with the formation of and investments by several funds-of-funds investing in the natural resources industry, the real estate industry, distressed debt, hedge funds and futures trading.
- Represented Indiana-based technology company in \$7.5 million venture capital financing transaction with California-based private equity fund.
- Represented Indiana and Michigan based investor syndicate in a \$4.5 million venture capital financing transaction with a Minnesota-based medical device company.
- Represent Localstake LLC in connection with its establishment of a crowd funding platform, broker dealer registration and seed funding rounds.

Speaking Engagements

- "Starting and Funding Your New IoT Venture," Indy Big Data Conference, September 14, 2017