



E. L. Boullée, Cenotaph for Sir Isaac Newton, 1784, BnF

Appellex™

Bargaining Solutions

*Providing bargaining solutions
through the use of escrow, confidentiality
and unilateral action.*

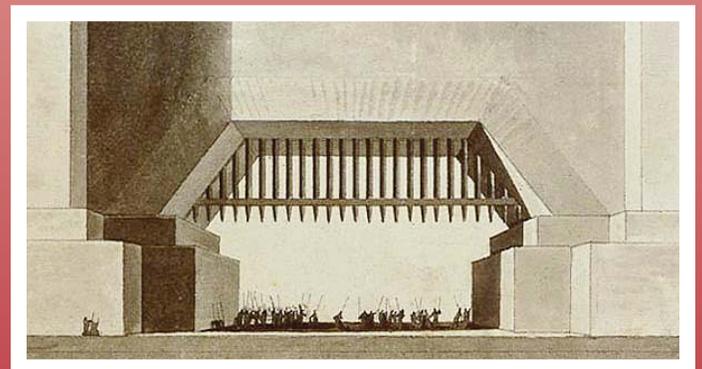
Throughout history, there has been a demand for mechanisms that would allow a party involved in a conflict or non-cooperative bargaining relationship to unilaterally pursue and protect that party's own interests, without having to seek the consent or cooperation of the other side. The historical response to this demand has consisted of the development of weaponry and compulsory legal systems. Please allow us to introduce you to a highly efficient alternative.

www.Appellex.com

Appellex Bargaining Solutions, Inc.

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Etienne Louis Boullée, Entrée de Ville de Guerre, 1781, (detail)
Bibliothèque nationale de France (BnF)

The vast majority of disputes and disagreements are ultimately resolved through bargaining without resort to force or to the filing of a lawsuit, and studies show that more than 95% percent of all lawsuits are resolved through bargaining prior to trial. Thus, if you are involved in a dispute or disagreement, the odds are overwhelming that it will ultimately be resolved through a bargained solution.

However, studies also show that 80% of the lawsuits that are resolved through bargaining are not resolved for a period of years, until the parties are within thirty days of trial. In such cases, and in those few cases in which a bargained solution is not achieved at all, it is fair to ask why a bargained solution was not achieved at some earlier time, with less expense and hardship to everyone concerned. Throughout history, when such a question has been asked, there has rarely been a satisfactory answer.

If you are involved in a dispute, a disagreement, or a bargaining process and you wish to take reasonable, unilateral steps to pursue and protect your own interests, then at this point in time you owe it to yourself to make a confidential visit to www.Appellex.com.

If this brochure is addressed to you and a user name or password stamped with the Appellex Seal appears in the space below, then the Appellex System is already holding escrow and processing a transaction with respect to which you have been named as a Second Party.

USER NAME/PASSWORD: _____

THE ESCROW PERIOD ENDS ON: _____ / _____ / _____

Who We Are

Appellex Bargaining Solutions, Inc. is an escrow company founded by three Boston attorneys who collectively have more than sixty years of experience in structuring transactions, in the strategy of conflict, and in developing and managing escrow-based solutions to simple and complex problems.

The Appellex System

The Appellex System is a patent pending escrow system that reduces the inefficiencies associated with bargaining. The System can be used unilaterally as a powerful tool to regulate and resolve conflict. It allows each party to take confidential, unilateral steps to determine whether an outcome that they deem to be acceptable is acceptable to the other side. The System allows you to make that determination:

- *without your having to disclose your proposed outcome to the other side unless and until the other side has already fully agreed to accept your proposed outcome; and*
- *without your having to interact with, enter into any sort of interim agreement with, or signify any willingness to negotiate or consider a compromise with, the other side.*

An automated, on-line embodiment of the System is available for your use 24 hours a day, every day, at www.Appellex.com.

How the System Works

- We hold as escrow something of value (such as a check, promissory note, or a release) that one party (the "First Party") has submitted and authorized us to give to another party (the "Second Party") if certain conditions set by the First Party are met within a period of time specified by the First Party.
- The conditions for the escrow's release are entered into the System and are not subject to change, but the First Party may designate one or more aspects of those conditions as confidential.
- The System allows the Second Party to confidentially gain access to a description of the escrow and the conditions for its release, and discloses the existence and general nature of any confidential aspect (such as that it consists of an agreement by the Second Party to a specific but undisclosed number, name, time period, place or thing). The System allows the Second Party to make confidential presentations of data seeking to satisfy all of the conditions.

- Any use of the System by the Second Party, and any confidential aspect of the conditions for the escrow's release, remains confidential unless all of the conditions are satisfied, in which event each party gets what they were seeking.
- On each occasion that the Second Party submits data that does not satisfy the conditions, the System gives the Second Party notice of that fact and an opportunity to submit alternative data.
- Regardless of the result, each party can obtain a certificate from the System attesting to the manner in which that party used the System and the result of that use.

Why the System Works

The Appellex System involves a practical application of certain principles relating to bargaining and interactive measurement that are addressed in game theory, metrology, and in the study of strategy and conflict. The structure of the System is such that, in any given use, and regardless of whether you are a First Party or a Second Party, you will not suffer any prejudice to your bargaining interests unless (1) the other party has entered data into the System reflecting an outcome that is reasonable and forthcoming, and (2) you have, yourself, failed to do likewise. Since this potential for prejudice to one's self or to one's opponent is fully apparent to each side, each side has (and knows that the other has) a clear incentive to use the System in a reasonable and forthcoming manner in order to pursue and protect their own interests and avoid conveying a strategic gift to the other side. The structure also serves to deprive each party of an incentive to try to use the System in any other manner. Simply stated, the System works because, regardless of whether you are the First Party or the Second Party, if you use the System in a reasonable and forthcoming manner, then, in all instances:

- *you will achieve an outcome that is acceptable to you via a voluntary agreement, or*
- *you will, without having to disclose your true position, be able to credibly establish that the other side had effectively rejected a reasonable outcome, giving you justification for devoting your resources to pursuing something other than a voluntary agreement with the other side.*

The Appellex Difference

If you are a Second Party, you will not be charged any fees for using the System, and any use you may make of the System, no matter how extensive, will not be disclosed to the other side or to anyone else unless you arrive at an outcome that has been fully agreed to by you and the other side. You will not be able to determine whether an outcome that is acceptable to you has already been agreed to by the other side and placed within your grasp unless you utilize the System and enter data signifying your willingness to accept your proposed outcome. As a result of these and other features, you have no rational basis for failing to use the System, or for failing to use it in a reasonable and forthcoming manner.

If you are a First Party, these same features allow you to fully and effectively utilize the System without having to seek or secure the Second Party's consent or cooperation. If you initiate the use of the System and propose an outcome that is reasonable and forthcoming, then you will always obtain something of significant value, regardless of whether the Second Party uses the System at all.

Our Fees

The First Party is charged a \$300 fee to use the System. If, and only if, the outcome proposed by the First Party is fully achieved, then the First Party also pays a "Resolution Fee," equivalent to either five percent of the value obtained through the use of the System, or five thousand dollars, whichever is less, with the \$300 fee being credited towards that amount. The contingent nature of the Resolution Fee serves to demonstrate to the Second Party that we have an incentive to release the escrow into the Second Party's hands in the event the Second Party enters data making it possible for us to do so.

Run a Free Test

Visit our website at www.Appellex.com, where you may, without incurring any cost or obligation, learn more, review a sample and build and run a fully operational test of how the Appellex System would work in your particular situation. Any data that you enter will be held in strict confidence and deleted when you are done, and you may enter hypothetical data, rather than accurate data, for purposes of building and running your test.