## In Search of a Win-Win Outcome

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# Preparation Research other party Public filings and analyst reports Consider experience of negotiation counterpart Inexperienced negotiators can be less predictable Understand the other party and its issues/ perspectives The nature of the party can affect relevance of tone Already in strategic relationship Founder vs. PE-backed

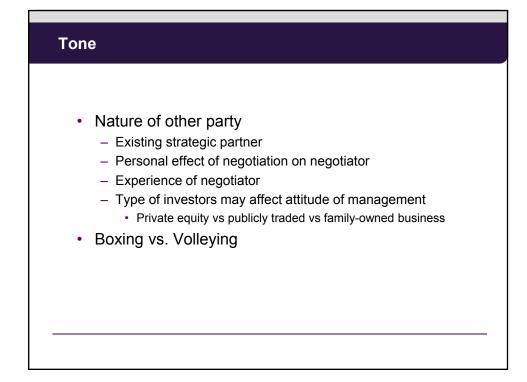
### Preparation (cont.)

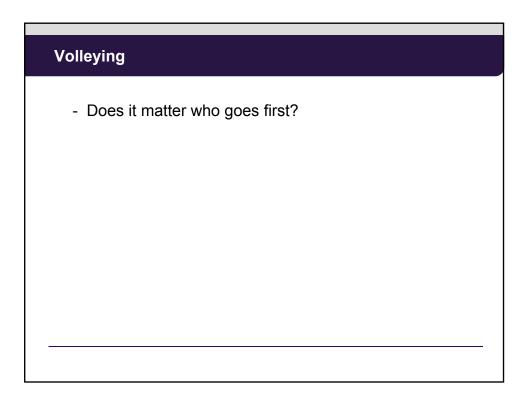
- Understand what is important to your client
  - What are the goals of the negotiation?
  - How badly does your client want "the deal"?
  - What are the boundaries of "the deal" acceptable to your client?
- Understand/Anticipate the motivations of your adversary and their client
  - What are their goals/business objectives/boundaries?
  - What is their motivation?

- Preparation is underrated—do your homework and rehearse within your team, if possible.

### **Timing Considerations**

- Consider external events that can affect timing
  - Conferences
  - Announcements
  - Vacations
  - Board meetings
  - Approvals necessary on both sides (e.g., Corporate or OUS decision makers)





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# Title search: In Search of a Win-Win Outcome

Also available as part of the eCourse 2016 Corporate Counsel eConference

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