



Conditional Acceptance - The offeree tells the offeror that they are unwilling to go forward with the contract **unless** they agree to their additional terms. If it is a conditional acceptance, it means we have a counter offer. However, **the additional terms must be clearly expressed**. Clear conditional acceptance.

If it is not a conditional acceptance then we have an **acceptance with additional terms**. Our next question is whether the additional terms become part of the contract. See below:

*Is there assent to the additional terms? If the offeror chooses to agree to the additional terms, then yes there is assent.

Expressed consent - the court requires that the offeree must explicitly agree to the term...cannot be silence, or lack of objection.