

## The War Game for Media Access From Channels to On-demand and Beyond

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As we all grew up with broadcast radio and television, last week's ruling by the FCC that the cable service providers need not carry all that TV broadcasters put on the air is a shocker. It seems that the cable MSOs via a newly minted deal with the Public Television Stations have trumped the NAB and its broadcasters in ways that shake the foundation of the TV industry. Does it matter to the public, and should it matter to any of us? Only time will tell. One thing is sure; in our acclaimed free market economy it was the regulators who tipped the balance in favor of one side over the other — while market forces had less to do with the outcome. But why should anyone care, as cable and satellite now rule the roost? Maybe Ross Perot was right after all and little more than a bit of spit separates the Republicans from the Democrats in anything except appearance. Nonetheless this event does surface important issues that pertain to media in general and to the convergence of technologies that is now under way.

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*"One thing is sure; in our acclaimed free market economy it was the regulators who tipped the balance in favor of one side over the other..."*

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For example, as so much electronic media now gets bundled and integrated together in channels, electronic guides, on-demand services and search engines, what is the best way to determine what there is to hear, see or utilize and how to get to it? It seems that more and more choices are becoming available out of what is evermore a politicized and manipulated business game of show and tell. How one might proceed also depends on the nature of the information, communication or entertainment in question and on how and with what ease it can be accessed.

CMS NewsLine

*"Validating the Middle Ground"*



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Connecting to any one of many integrated electronic devices can indeed bring forth lots of ICE: Information, Communication and Entertainment. Hopefully you even get what you are after, but at what price and with what convenience? Often the electronic packets arrive in the 'box' via an Internet connection, a telephone link via VoIP or Wireless or perhaps as a downloaded, streamed or broadcast video. Indeed there is an Oklahoma land rush of possibilities and options across the broad landscape of Telcos, cable MSOs, DBS satellite, VPNs and Internet ISPs providers — serviced by lots of devices and platforms.

**A**fter last week's ruling at the FCC the broadcast media business game came away wounded with its future undermined. Herein we take an Australian 'walkabout' and explore how the 'twisting in the wind' alternatives available to access electronic ICE are evolving and progressing. Also what it all means for those of us without a member of the FCC or high official at the US Department of Commerce close at hand. Where is that heroic yet impish John McCain chap in this whirlwind of change? Also, who is to be the next 'smile because I and pointing at you and smiling' Michael Powell? God how he did smile his warm but affected smile at the last two NAB annual shows! And where is that level playing field those regulators like to talk about? No wonder Mr. Putin and the Russians are confused about how best

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to imitate our American business model. Indeed is it glasnost we see when the US broadcasters are impaled in public? Does it follow that a conversion to a fully digital media world means that cable gets to multiply its channels while broadcasters are left behind? Herein we also note the degree to which political compromise has lost appeal in major media business and governmental affairs.

All this emphasizes, as if more emphasis were needed, the fact that the electronic media is a whirling dervish spinning ever faster going it knows not where. In this context it has become more difficult for the

public to know what services to subscribe to, what equipment to buy, what systems and applications to employ and in general how to proceed. Talk about a business quandary! Further any weekly reading of

InfoWorld or Information Week amply describes how the technical underpinnings of all those new technologies are also chock full of frailty and how information insecurity is now the great problem. In all of this apparent disarray what is a consumer, a provider or an investor to do? In football it is said that the best way to tackle a shifty opponent is to ignore the hips and concentrate on the feet. In the case of advance media those 'feet' are the evolving consumer behavior patterns of a public reaching for more and better ICE. Much on the provider side is somewhat suspect — just think of how Time Warner

bought into AOL's Internet shell game? Or consider how Time Warner and Comcast are marshalling to swallow the entrails of a defunct Adelphia? Apparently at a per Adelphia subscriber price higher than what their shareholders place on their shares, they the industry leaders! Or how about those Telcos with ample time to merge and agglomerate while they are supposedly engaging cable in the field? Do these folks remember the recent failed history of similar undertakings, as in for example HP and its struggles after taking over Compaq?

**T**HE PUBLIC — So let us consider where the 'feet' of the consuming public seem to be pointing. Even in a digitally enabled media world distinctions drawn between different forms of ICE must be taken with care. Otherwise we can be faced with contrasts without true differences that emphasize cost and the quality of the delivery over what matters far more, the experience. In this context a telephone conversation is truly rich and real time and a very different experience than an email or an SMS message, yet all are communication — while a videoconference is another thing entirely. As to video or music content, whether you stream it 'live' or download it to a memory device prior to use can be far less than critical. As to information or what many who should know better euphemistically call 'data', finding it and aggregating it in a cogent and useful fashion is most

often the most important thing. Similarly, do we need more channels or simply better search engines and on-demand delivery stations? No one seems to know for sure — although Microsoft is making a big bet on search. Yet with some Wall Street convergence advocates acting the role of cliff dwelling pied pipers there is much misdirection still afoot. Indeed, under financial pressure for immediate results more than a few media technology enablers and providers, like rats in a maze, feel compelled to consume their intellectual progeny in dismay, haste and confusion, say at a TiVo or Ucentric. As for the public that buys all those dead end systems, some seem to say let them eat cake.

Today we have enormous banks of electronic storage devices, software applications, communication hubs and various networks driving media 24x7 to hundreds of millions of folks using laptops, cell phones, PDAs, game boxes, stereo systems and TVs to get their ICE. But does the way we employ these systems make positive sense, and if not then what? As with so much in technology the net upshot is a double edged sword that can and does often cut both ways: when it works what we get is great, while the degree of complexity and aggravation many must abide is also great. Just think of your PC, and then think about spam, viruses, Trojan Horses and how Microsoft and its Service Pack 2 security solution failed. So how about Bill Gates becoming a Knight of the Realm at the hands of the

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Queen? Is Martha Stuart next for doing far less harm?

Most of all, the life experience of the advanced media enabled individual has been transformed in fundamental ways that pretty much turn everything and how it is carried out on its head. One comparable human experience with technology was the advent of the automobile, as it offered mobility and empowerment but at a price of greater family separation, higher physical risk and for many hundreds and hundreds of hours per year in traffic. Managed effectively, say in the city of

Atlanta with its superior roads and traffic system, the automobile led to a most workable expansion of some great cities. Handled with far less acceptable organization and planning, as an evening in Seoul, Korea or Rome, Italy in a frozen traffic nightmare can substantiate, the technology brings little in the way of comfort or real value. In many ways we are at just such a crossroad in the evolution and convergence of advance media. Broadcast radio and television sure was basic, but it was also inexpensive, reliable and easy to manage. Maybe that is part of the reason Washington is turning its back on the NAB. After all, with a little legerdemain it is really easy to snoop on the public when they use portable wireless devices, the Internet and cable. Hey we have national security to worry about so forget about one way and no feedback loop broadcasting!

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Here we who toil in the media also face barriers to progress from within the massive superstructure of some corporate giants who grind their mills for profit while holding tech houses, clients and regulators at bay. Acting in other industries such folks have — while on the way to the bank teller window — at times done a bit of harm. On more than a few occasions commerce in food, energy, healthcare, communication and transportation has been the bedfellow to harmful drugs, questionable food additives, air and water pollution and the abuse of the American family. Just

think of the recent Vioxx scandal wherein we are told by a senior scientist at the FDA as many as 55,000 people have over five years died in the US as a result of the failure of a regulator to regulate and a corporate giant to abide the truth. The Three Mile Island nuclear disaster years ago was another case where weak regulators and a greedy provider greatly undermined what would otherwise be a very successful and valued nuclear power industry today. Instead the present situation in the energy industry involves more air pollution and coexists with terrorism that is bolstered by a severe need for Middle Eastern petroleum. As to the advanced media business, similar matters of importance are at play including its role in education, work, privacy, culture and family life. These issues go far beyond such mundane matters as the usefulness, effectiveness

or success of say VOD! So when will we hear from the FCC on these issues?

**C**HOICE — At the simplest level the recent transformation of the electronic media comes down to new ways to aggregate, communicate and disaggregate massive amounts of material at one level, and alternate ways for individuals to search it out and use it at their end. The question of how this is to be done in an efficient and cost effective manner near the heart's desire remains largely unanswered. The very fact that some new method is technically feasible is insufficient to justify its implementation unless it also provides real value to the public. Thus for example Voice Over IP may as 25% of American business now seems to think be of value, but maybe not. Similarly, the delivery of video into the home by the Telcos may or may not make a contribution. As to the Internet, acting as an ORCA or open revenue channel access network, will it turn out to be more efficacious than the closed pipe of cable or the telephone networks? Only time and a great deal more investment and development will tell. Overall as we consider these opportunities there are three main aspects that need further clarification and weighty consideration: (1) what are the fundamental advantages and disadvantages, (2) what is the nature and quality of the resultant human experience driven by the new method, and (3) what is the economic structure

that underlies each choice. Beyond those issues is the uncertainty inherent in a competitive market and its government regulators. We are indeed witnessing Shumpeter's creative market destruction at its best — so all hands on deck!

Indeed much confusion is to be expected with so much change in the infrastructure and systems of the media providers. As with politics there is in the electronic media a great deal of ideological baggage that can at times block a clear view of reality when it comes to understanding why one way

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is better than another. In the process and in train is a huge amount of vulnerable investment — as demonstrated by the tech driven stock market bubble collapse of five years ago — wasted on ways and means

that hardly make sense, or are too early to market, or become technologically obsolete too soon. Think for example of the laser disc, the 8-track tape, the cassette and soon the CD and DVD players, and all those poor quality legacy PCs and TVs still around your house. Or in the sports world of the relatively new football stadiums and baseball parks that had to be torn down because they have no ‘sky boxes’? Indeed Verizon and SBC have pledged to spent over \$10 billion and more to bring FTTH — fibre to the home to enable services that are already readily available from the cable MSO providers. Now some who claim to be wise in these matters intend to invest in a massive amount of



hardware and software to drive applications and services over the Internet via FTTH in lieu of existing cable and satellite systems. And folks this is not just out of one or another misbegotten or misguided plan by a Lucent or Cisco Systems acting with lots of hope and uncertain reason.

**I**PTV IN CHANGING TIMES  
— In recent months the cable networks have outdrawn the national broadcast networks in terms of size of audience and they frequently have the more favorable demographics. Now the national broadcasters and their networks have been dealt another deadly blow and cable looks to be in position to rule supreme. Or, is this but the Ides of March foretelling Julius Caesar of his coming downfall? For if the Internet and its IP technology are the better way as many now seem to think, then cable's victory over the broadcasters may turn out to be like the Pyrric Victory of the Greek King Pyrrus, and no victory at all as too much is lost in its wake. For if IP is the better way forward with a more centralized and efficient large backbone network, then the existing dispersed 400 or so cable head-ends chock full of mega dollars of systems and devices could be a large unwieldy burden that is a costly cross for cable to bear.

After all, those legacy head-ends are chock full of expensive boxes to do archiving, multiplexing, MPEG compression, VOD streaming, ad

insertion, iTV and the like and these it seems need to be replaced or upgraded every year or two. If IPTV over a more efficient network is the feared threat to cable, is the truth of this to remain largely in the closet in deference to Wall Street sensibilities and its well-known propensity to stampede when bad news is afoot? With the Telcos rapidly moving forward to lay fibre for the four-way play in the home, how else can a replication of ways and means to deliver media to the home and office

be rationally explained? Do the telcos with a little help from Cisco, Microsoft and Intel think they have the better mousetrap? In the presence of little animal droppings around the house one should not be too

surprised with later findings. One thing is for sure, the telcos sure do talk a great game and they have lots of money and many loyal investors. Also these Telco folks sure know a whole lot more about managing large efficient networks and computers than do the cable MSOs. So at times it is hard to tell whether there is a rat in the basement or just a pesky fly in the ointment!

Ultimately the resolution of many of the individual puzzles we have eluded to will come down to consumer choice and the evolving media experience itself. For example, if proactive individual behavior becomes the preferred way, then the future belongs to Yahoo, Google, Microsoft and the Internet. In this scenario happy

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empowered individuals utilize all manner of devices to seek out and experience the ICE of their choice. Forget cable, satellite, movie theaters, home theater and the like and let us move on to a multi-screen world powered by search, the Internet and IPTV. Lean-forward all the way and put the petal down to the metal and, as Johnny Cash once noted, 'drive on'. If, however, some in large numbers will still prefer to shop at boutique venues that are organized for their pleasure, convenience and comfort, then the channel and network concept will continue to prosper. Is it a generational thing? Maybe, but on the other hand maybe not.

Surely this is a media world in transition wherein no one can know how it will play out. One likely scenario is that the Internet lean-forward search approach will gain great currency while channels and networks also continue to enjoy a large following. Or maybe there will be a symbiotic dance of the two, where intertwined they meet an array of needs and functions in concert. One thing is for sure; technology will continue to upset the applecart for those who smugly feel temporarily in charge. Et tu Brutus to Cisco, HP, Comcast, Sony and Verizon as their time of trial may be near! For Microsoft, with its recent Service Pack 2 debacle, that time may be at hand as corporation after corporation by the thousands now scramble to protect themselves from the insecurity that Microsoft brings in

train— as at IBM and SUN there are smiling faces all around. If you doubt this just pick up any issue of the well respected IT industry publication InfoWorld or its competitor Information Week and get the facts.

## MARKET DYNAMICS —

**M**We can marvel at the dualities that bring together the ying and the yang of service provider capabilities in counterpoint to subscriber needs. It is a dance that is repeated up and down the commercial food chain and in much of nature as well. In particular, service providers and content owners maneuver to maximize the return they

derive from their offerings as one side of the duality. On the opposite shore is the media 'shopper' as an end user searching for advantage among the available alternate choices. This is Von Neumann's famous mini-

max principle at play in the world of media as an ever-evolving non-stationary stochastic game. For the media private rights and the public good are usually best served in this duality when patent rights and copyrights are productively balanced with broad access to the public and fair use. In counterbalance are some rigid and calcified commercial and governmental structures that act to block forward inertia, placing gum in the system that makes it difficult to reach optimality or even effectiveness in some new media. As famously observed, copyrights are not property rights but limited rights whose

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ultimate purpose is the public good — let all the media lawyers who fail to observe this fact move to the back of the class. And that goes for a few at the MPAA, the NCTA, the FCC and the Department of Commerce, while many others aim forward.

With such a view in mind what is the direction that best serves the public, and by min-max the service and application providers as well? Is it a system of five hundred well organized channels that deliver the ICE? Or is it better to satisfy the public's needs via powerful full of ICE servers at head-ends — is that the better way to go? Or perhaps better still, is maintaining a vast library of content on one's own home server or set-top box the better way — as with those P2P Napster materialists whose voracious appetites required them to download thousands of songs they could not possibly want to listen to? Or are the great libraries of the world, once reconstituted by Google, Microsoft and others into great ISP server banks what is wanted or needed by the public? Or how about a vast array of massive Blue Ray disks in high compression to fill the needs of those who are still dissatisfied? For some with a computer bent perhaps a worldwide network of supercomputers that use artificial intelligence and data mining to automatically feed the public's needs. Does any of this make global sense?

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How silly and sophomoric much of this seems in light of the obvious, namely that different parts of the ICE generally need to be served up in individual tailored ways and that the search for a global optimal solution is at best misguided. Walled gardens for some content, why not. Satellite systems for some services, surely they have a role. Private networks such as cable and telcos can do a good job too, so why not to use them. Telco systems are they needed, of course, as they really know communications. And so it goes with all the many segments of the media, in ways that are based on the necessary quantity, style and quality of the usage, need, technology,

logistics and cost in a manner that best fits the various user profiles and requirements. That should be the end of any quixotic search for the convergent all in one ideal as there cannot be one solution that serves all. Instead, it is

best to remain in touch with the consumer while paying close pay attention to his or her needs and wishes. In a seven hundred billion dollar electronic media world there surely is room for a great deal of diversity, variety and flexibility. Remember that the railroads once thought they had the 'big pipe'.

As to the best revenue models, variety remains the spice of life there too, and where better than in the media. To what has become by way of TiVo a more limited degree, the wedged-in interruption that is the advertising message can still work very well.



Overall, everyone generally seems most comfortable with basic media services as subscriptions as this is what we are use to, at least for primary services. For special events and the unusual, the pay per view ticket still works at the Kentucky Derby, the Super Bowl and the heavyweight boxing match. So by extension it can work effectively in the same way on television with PPV and VOD. At a slightly more complex level we have tiered services such as minutes per month on a cell phone program, various levels of bandwidth in DSL or DOCSIS broadband service and even SVOD. As with clothing no one size will fit all, and there is no reason not to provide choice and variety. With the bundling of services both cable and now the telcos seek to essentially lock in their clients in a semi-permanent bounded arrangement — but that may prove counterproductive for them in the long run. It is always better to win out by way of better products and superior service than by pricing and marketing tricks. Had AT&T learned that lesson, which it surely never did, it might still be the largest and most profitable firm in the world.

**B**RANDING — Tangential but still highly relevant to all of this is the learned and adopted behavior of many consumers who establish patterns of media activity based on long-term choices involving bonding with brands. This is a key or even critical factor that drives the

forms and varieties of media and their success or failure. Here is a way of living one's media life by choosing to condition oneself to established patterns of viewing behavior. Make no mistake about it one of the main reasons we go to a McDonald's or to a Macy's is that we know exactly what to expect when we get there. So too when we elect week in and week out to watch TV shows such as Monk, ER, JAG, American Idol and all the rest.

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*"It is always better to win out by way of better products and superior service than by pricing and marketing tricks."*

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That is one reason 60 Minutes has survived to entertain generations of viewers. As to the networks, the most successful ones are highly branded. Think of NBC in GE's pantheon with Universal in train evolving into an NBC Universal Entertainment colossus that spans the media and stands alongside Disney, Viacom and few other such brands. Is it likely that the on-demand world will lower the importance of such brands? Similarly can we expect that on-demand will reduce the value of premium and special channels such as HBO, Stars or even Fine Living and OLN? In this regard we remain firmly anchored in Missouri along with all others who need much further proof that media brands and channels are about to lose currency. Search and on-demand may be fine but give me my brand anytime — may still be the way to go!

**A**LANDSCAPE — Following this walkabout around our ever-evolving media universe, perhaps it would be useful if we included a list of expectations for the

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future. Not a forecast mind you, as so many others are better equipped to live at the end of their metric swords we prefer to leave statistics and forecasts to the likes of Nielsen, Arbitron, Forrester Research, Jupiter and the others. Here, instead, are a few expectations that came out of this effort to gauge media access and related matters. The following items are sidebar out of what we have come to appreciate:

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*“Innovation as the filter to select out the media business winners rather than managerial, financial or operational acumen.”*

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- [As politicians and the FCC stand down,] technology may be allowed to rescue the TV broadcasters by way of some digital trick–play that in part reverses the digital stab in the back they just suffered.
- Innovation as the filter to select out the media business winners rather than managerial, financial or operational acumen. Example: Apple Computer.
- Brands such as ESPN and HBO continuing to drive a preference for hot sports, news, action, sex and drama and dominate the media experience.
- Ever more advanced electronic program guides and GUIs like Moxi that offer superior levels of search, personalization, interactivity and self–programming for live and recorded content.
- Search as better suited for research than leisure and entertainment. Microsoft, Verizon and Google to remain better in the ‘let’s get something done world’ than in the ‘let’s have fun world’.
- Thousands of lesser known more targeted and genre focused channels prospering on IPTV far away from cable and satellite.
- Ultra wide band empowering multiple devices to drive stand alone viewing screens throughout the home and out of the home (OOTH) with Motorola leading the way.
- Portable wireless set–top boxes that also compete with Windows based laptops by providing generic computing to cable and satellite service subscribers. Ouch!
- Cable to fumble in the VoIP space against the Telcos, while the latter does a similar flop in delivering effective entertainment to the home.
- Cable, satellite and the telcos, while talking a good game, playing it safe to avoid the crashes and insecurity so prevalent in the Microsoft world.
- Independent channels, production companies and others leading a new IPTV world as it races ahead of the big media houses to revolutionize TV as we know it.

- ITV to pick up on the English model and focus on live events, live sports, live gaming and lots of shopping, with DirecTV leading the way.
- DirecTV, with its Canal Plus Mosaic styled program guide, that shows six or eight TV shows at once ‘live’ on split screens organized by genre becoming a preferred access point portal into TV programming.
- The ‘Time Is Elastic’ trick–play media experience evolving via new forms and new interfaces in DVD, DVR and VOD formats to free the viewer to enjoy even more media on his or her own terms.
- Viral rather than traditional marketing and advertising methods driving the public to new media systems such as new ultra wideband wireless and voice activated forms.
- Television shows and television advertising reformed for a DVR and OD enabled world in ways that allow more effective sponsored advertising, imbedding, the use of split screens and the like.
- IPTV opening up the now mostly regional TV system to the entire world. One vast unified system of hundreds of channels and new applications that, taken together, revolutionize the media and help transform TV into a global human experience.

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*“For the makers and aggregators of content as well as the advertisers the only true guiding light is the consumer.”*

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In the end it comes down to access, who has it, who grants it and who uses it. There will always be channels and portals and networks and everything in between, but the media world is less about them and more about the economic, social and political rules that govern the distribution and use of the ICE. We started with today’s trauma at the NAB and ended with the hope for a better more enriched media world. And so it is in an arena where broadband access to the Internet, various forms of telephony, video over IP and cable and much else merge together in a new digital landscape. For the makers and

aggregators of content as well as the advertisers the only true guiding light is the consumer. Mass marketing, as the former king of the media, is indeed dead and the public is now fully in charge, so long live the king!

Thanks for tuning in — now it’s your turn so please pass it on.

(Leo Willner and Greg Kalsow contributed to this issue. In order to discuss any of these points with the authors, please e-mail them at: [leo@cmsderfler.com](mailto:leo@cmsderfler.com) and [greg@cmsderfler.com](mailto:greg@cmsderfler.com))

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