

# Cablefax Daily™

Wednesday — June 1, 2016

What the Industry Reads First

Volume 27 / No. 104

## Patent Punches: Comcast Tells Rovi... Don't Mess with Texas

First **Rovi** sued **Comcast**, alleging patent infringement. Now, Comcast has returned the favor, accusing the tech company of breaching its contract by filing that patent lawsuit in federal court in TX and by going to the **International Trade Commission** with a complaint. Comcast said that clauses in a licensing agreement require Rovi to file any litigation in NY (and yes, Comcast filed its suit last week in the US District Court for the Southern District of NY). Comcast also maintains that it hasn't infringed on Rovi's patents. Rovi believes it filed its lawsuits in the appropriate venue, saying it took the action after "numerous" attempts at negotiation. "Comcast had licensed Rovi's technology for more than a decade, and rather than renew its license, Comcast opted to continue to use our patented technology without our permission," said *Samir Armaly*, Rovi's evp, intellectual property and licensing. "While we would have preferred to reach a commercial agreement, Comcast left us no choice but to seek legal remedies to protect our valuable intellectual property." While patent cases are never simple to boil down, Comcast essentially argues that it's covered by agreements reached in 2010 after the MSO bought out Rovi's interest in **Guideworks**, a jv that was created to develop interactive programming guides for Comcast and others. Its arguments include that legacy boxes are immune to Rovi's patent claims as they are derivative works of a native IPG of Guideworks (35 of the 57 boxes involved are legacy, the MSO said). Comcast also argued that it has the right to use Rovi's entire patent portfolio through March 31, 2016, so any claims of alleged infringement prior to that date are null. Rovi filed its patent lawsuit in TX on Apr 1, with a complaint going to the ITC 5 days later. Rovi, which is in the process of acquiring **TiVo** for \$1.1 bln, claims Comcast infringes on 14 patents that involve the way it implements remote recording, AnyRoom DVR and X1 search. Comcast said Fri that is waiting to file a motion for preliminary injunction until it has the court's assurance that it can file certain exhibits under seal. It wants the court to expedite setting an oral argument date on its preliminary injunction, claiming it's suffering by having to litigate in other jurisdictions while it seeks to enforce its contract in NY.

**WinView Gets Big Backers:** At **INTX** last month, **TiVo** chmn *Tom Rogers* briefed a few cable operators about his latest venture **WinView**, a free-to-play, two-screen synchronized sports play-along service. "There was unique understanding of how engaging this is because operators have gotten more focused on interactivity, 2-way capability of cable—how do you engage the view more? Particularly as it relates to the video side of the equation, and how live sports is the key program-



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## CALL FOR ENTRIES!

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Questions: Mary-Lou French at [mfrench@accessintel.com](mailto:mfrench@accessintel.com)

## FINALISTS ANNOUNCED!

### Congratulations Winners! (Pre-Announced)

#### Marketer of the Year

- ▶ Susanne McAvoy, Hallmark Channel and Hallmark Movies & Mysteries

#### PR Executive of the Year

- ▶ Rita Cooper Lee, WGN America

### The FAXIES Awards Finalists:

#### Marketing Team of the Year

- ▶ **Boingo Wireless** - Boingo Broadband
- ▶ **Crown Media Family Networks**
- ▶ **VH1**

#### PR Team of the Year

- ▶ **Bravo & Oxygen Media**
- ▶ **Pop TV**
- ▶ **Showtime Networks Inc.**

#### Acquisition and Upgrade Marketing

- ▶ **Boingo Wireless** - Launch Campaign
- ▶ **Burrell Communications** - XFINITY Like-Minded
- ▶ **DigitasLBi** - XFINITY High-Value Variable Magalog
- ▶ **Mediacom Communications Corporation** - Xstream Launch

#### Advertising Campaign for a Network

- ▶ **Big Ten Network (BTN)** - College Sports!
- ▶ **CNN** - Election Coverage Promos
- ▶ **Starz** - Obsessable

#### Advertising Campaign for a Single Program

- ▶ **A+E Television Networks** - Critics' Choice Television Awards
- ▶ **A+E Television Networks** - Married at First Sight
- ▶ **Big Ten Network (BTN)** - Animated Basketball Coaches Spots
- ▶ **HBO** - Game of Thrones Season 5
- ▶ **Pop TV** - Big Brother After Dark
- ▶ **Pop TV** - Sing It On
- ▶ **TLC** - Leah Remini: It's All Relative

#### Affiliate and Partnership Marketing

- ▶ **Burrell Communications** - NBC The Wonderful World of XFINITY
- ▶ **Discovery Channel** - 2015 Shark Week Affiliate Promotions
- ▶ **HBO** - Sesame Street
- ▶ **International Media Distribution** - 2015 Mediaset Italia/Verizon FiOS Special Offer
- ▶ **NBCUniversal** - 2015 Local Market MVPD NASCAR Activations
- ▶ **NBCUniversal** - 2015 Your Super Solution Promotion
- ▶ **Turner Entertainment Networks** - CONAN Clueless Gamer for Fallout 4

#### Brand Image and Positioning Campaign

- ▶ **AMC** - Life Imitates
- ▶ **BET Networks** - BET Studios - BET Experience
- ▶ **Big Ten Network (BTN)** - College Sports!
- ▶ **Grupo Gallegos** - XFINITY Language Choice
- ▶ **Mediacom Business** - Gigabit+ Fiber Solutions
- ▶ **Sprout** - Brand Refresh
- ▶ **Time Warner Cable** - Product Engagement Retail Materials

#### Community Relations

- ▶ **Animal Planet** - Road to Puppy Bowl Xfinity Partnership Events
- ▶ **Cablevision Systems Corporation** - Optimum Community
- ▶ **UP tv** - Uplift Someone
- ▶ **Vyve Broadband** - Create our Christmas Card Art Contest

#### Corporate Social Responsibility/Green Campaign

- ▶ **Cox Communications** - Capitol School Build-A-Bike--Build-A-Student
- ▶ **ION Television** - Everyday Heroes
- ▶ **Sony Pictures Television** - Picture This
- ▶ **TLC** - Give A Little
- ▶ **TLC** - Say Yes to the Prom

#### Games Marketing

- ▶ **BET Networks** - Who Mitch-Napped Kevin Hart Game Sweepstakes
- ▶ **Hallmark Channel** - Unmask the Magic Sweepstakes & Digital Experience
- ▶ **HISTORY** - The Curse of Oak Island Season 3
- ▶ **truTV** - Impractical Jokers FAN-Tastic Countdown Presented by GEICO

#### Integrated Marketing Campaign

- ▶ **HBO** - Game of Thrones Season 5
- ▶ **HISTORY** - The Curse of Oak Island Season 3
- ▶ **NBCUniversal** - TV Everywhere
- ▶ **Pivot** - It's Your Town
- ▶ **TLC** - Leah Remini: It's All Relative
- ▶ **Turner Entertainment Networks** - AT&T and CONAN 360 Virtual Reality at Comic Con

#### Marketing Campaign

- ▶ **BET Networks** - Zoe Ever After Marketing Campaign
- ▶ **Big Ten Network (BTN)** - Fall Football Coaches Campaign
- ▶ **Hallmark Channel** - Countdown to Christmas 2015
- ▶ **OWN: Oprah Winfrey Network** - Belief
- ▶ **Mediacom Business** - National Flight Academy

#### Marketing of a Continuing Series

- ▶ **A+E Television Networks** - Bates Motel Season 3
- ▶ **AMC** - Better Call Saul Season 2 Promo: "Yo Soy Saul"
- ▶ **HBO** - Game of Thrones Season 5
- ▶ **Pivot** - Please Like Me
- ▶ **TLC** - My Big Fat Fabulous Life
- ▶ **truTV** - Impractical Jokers #LivePunishment Special

#### Marketing of a New Series or Show

- ▶ **A+E Television Networks** - The Returned
- ▶ **Hallmark Channel** - Good Witch Season 1

# The FAXIES Awards Finalists

- ▶ **HBO** - Vinyl
- ▶ **Oxygen Media** - The Prancing Elites Project Season 1
- ▶ **Pop TV** - Sing It On
- ▶ **Syfy** - The Expanse

## Marketing of a Special or Documentary/Documentary Series

- ▶ **A+E Television Networks** - Critics' Choice Television Awards
- ▶ **Burrell Communications** - NBC The Wonderful World of XFINITY
- ▶ **HBO Latino** - Yandel
- ▶ **Investigation Discovery** - A Crime to Remember S3
- ▶ **VH1** - The Breaks

## Media Event

- ▶ **A+E Television Networks** - Damien Comic-Con
- ▶ **National Geographic Channels** - Jackson Hole Wildlife Film Festival
- ▶ **Pop TV** - Winter TCA 2016-Pop's First Birthday Party

## Media Relations Campaign

- ▶ **Animal Planet** - Puppy Bowl XII
- ▶ **Lifetime** - UnREAL
- ▶ **National Geographic Channel** - Breakthrough
- ▶ **OWN: Oprah Winfrey Network** - Belief
- ▶ **Showtime Networks Inc.** - BIL-LIONS PR Campaign

## Multicultural Marketing

- ▶ **Burrell Communications** - NBC The Wonderful World of XFINITY
- ▶ **ESPN Deportes & ESPN International** - Virtual Reality Press Mailer
- ▶ **Gravity Media** - Relationship Campaign: Asian
- ▶ **Grupo Gallegos** - XFINITY Language Choice
- ▶ **HBO Multicultural Marketing** - Bessie 81 Theater Tour

## Non-Profit Partnerships

- ▶ **HBO Multicultural Marketing** - Every Story Every One Partnership
- ▶ **HISTORY & DAV (Disabled American Veterans) Partnership**
- ▶ **National Geographic Channel** - Feeding America
- ▶ **TLC** - Give A Little

## PR Stunt

- ▶ **A+E Television Networks** - Bates Motel SXSW
- ▶ **HISTORY** - Vikings San Diego Comic Con 2015
- ▶ **Syfy** - #ThankyouKarellen Stunt
- ▶ **VH1** - Dating Naked Interactive Billboard

## Press Kit

- ▶ **National Geographic Channel** - The Story of God
- ▶ **Pop TV** - Schitt's Creek Season 2
- ▶ **Syfy** - The Magicians
- ▶ **WGN America** - Underground

## Programming Stunt

- ▶ **Investigation Discovery** - A Very Kenda Christmas
- ▶ **ION Television** - Bond-a-Thon
- ▶ **ION Television** - Wicked Week
- ▶ **Logo** - The Golden Girls 30th Anniversary "30 Isn't a Drag" with RuPaul's Drag Race
- ▶ **Pop TV** - #StillAwesome Campaign
- ▶ **truTV** - Impractical Jokers #LivePunishment Special

## Public Affairs Campaign

- ▶ **Lifetime** - Broad Focus
- ▶ **Pivot** - Ollie the Pangolin

## Shoestring Marketing

- ▶ **BET Networks** - BET Thanks You Campaign
- ▶ **Big Ten Network (BTN)** - #BTNWinningShotContest
- ▶ **Boingo Wireless** - 29 Dive In Movie Campaign
- ▶ **Logo** - Aspen Gay Ski Week

## Social Media During a Program

- ▶ **Burrell Communications** - NBC The Wonderful World of XFINITY
- ▶ **Turner Classic Movies** - Summer of Darkness and Into the Darkness: Investigating Film Noir
- ▶ **WE tv** - Gif in a JIF

## Social Media Marketing

- ▶ **BET Networks** - BET Celebration of Hollywood

- ▶ **BET Networks** - Zoe Ever After Beauty Bar YouTube Channel
- ▶ **Cox Communications** - Meta Millennials
- ▶ **Logo** - Aspen Gay Ski Week
- ▶ **National Geographic Channel** - He Named Me Malala
- ▶ **truTV** - Impractical Jokers #LivePunishment Special
- ▶ **VH1** - Candidly Nicole: Candid Moments

## Sweepstakes Marketing

- ▶ **Comcast Cable** - The XFINITY 1989 Lip Sync Sessions
- ▶ **Hallmark Channel** - Unmask the Magic Sweepstakes & Digital Experience
- ▶ **Investigation Discovery** - A Very Kenda Christmas
- ▶ **Mediacom Communications Corporation** - Xtream Sweepstakes
- ▶ **WE tv** - #LAHairDO Contest
- ▶ **WE tv** - THE ULTIMATE #BRAXSTAN CONTEST

## Tchotchke

- ▶ **BET Networks** - The Game: Custom Jerseys (BET Studios)
- ▶ **Big Ten Network (BTN)** - BTNmoji Keyboard
- ▶ **Logo** - Aspen Gay Ski Week
- ▶ **Oxygen Media** - Fall/Scatter Premium
- ▶ **WE tv** - Lie Detector

## Trade Show Marketing/PR

- ▶ **HBO** - Game of Thrones at SDCC
- ▶ **Mediacom Business** - Iowa Events Center Gigabit Cafe
- ▶ **SCTE** - Cable's Power Innovators

## Virtual Reality/Augmented Reality Marketing

- ▶ **Bright Spot Creative** - Virtual Ride Along
- ▶ **Comcast Cable** - NASCAR VR Experience
- ▶ **HBO** - SXSWesteros
- ▶ **Nat Geo WILD** - Wild Yellowstone
- ▶ **Turner Entertainment Networks** - AT&T and CONAN 360 Virtual Reality at Comic Con
- ▶ **Viacom Velocity International, VIMN** - MTV EMA

Congratulations to all the finalists! We are looking forward to a fun filled June 14 breakfast, including team photos, and networking with friends and colleagues. Tables will be positioned on a first come basis.

Reserve your table today at [www.TheFAXIES.com](http://www.TheFAXIES.com)

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ming element that they have that is holding... with so much entertainment viewing going to streaming and other,” Rogers said in an interview Tues. While he said the question of set-top integration came up, operators also “recognized how friction free this is.” With so many already watching sports with a smart phone or tablet in hand, Rogers believes this is the fastest path to adoption. Rogers and **Cablevision** vice chmn/former **Madison Square Garden** CEO *Hank Ratner* led WinView Games’ just-closed round of \$3.4mln Series A equity financing, bringing total funding to-date to \$6.5mln. The 2 will serve as co-chmn of WinView’s board. Following a beta test last season, WinView will launch its app with the start of the 2016 **NFL** season, letting fans play along in real time with live telecasts to compete and win prizes based on an advertising-supported model. It’s already a multi-billion industry in Europe. The play-along aspect—which ranges from trivia to what do you think will happen next—is a live production. “It’s about enhancing the enjoyment of the game, and it’s doing so when there are breaks in the action,” Ratner told us. “We’re never interfering with the game.” Takeaways from the beta test included that you didn’t need huge prizes for participation. It came down to “the pride of winning,” Rogers said, with SAC cost small with word-of-mouth bringing people on. WinView also said Tues that its board will expand to include investors *Steve Goodroe*, former vp, global customer marketing of **Procter & Gamble** and CEO of **Dunnhumby USA**, and *Bryan Jacoboski*, managing partner of **Abingdon Capital Management**. In addition, *John Costello*, president global marketing and innovation of **Dunkin Brands** and global chmn of the **Mobile Marketing Assn**, is joining the advisory board.

**Comcast’s Tech Promotions:** Comcast promoted 2 of its top tech execs. *Tony Werner*, most recently CTO of **Comcast Cable**, was upped to pres, technology and product. He will continue to oversee the Technology and Product team, which leads consumer-facing products such as X1, WiFi and multiplatform apps. The MSO also upped *Sree Kotay* as the new CTO. Joining the company in 2007 as chief software architect, Kotay will take on an expanded role, leading Comcast’s software and technology strategy, particularly as it relates to new customer-facing products and services, including advanced video and Internet. He will also now oversee Comcast Innovation Labs.

**Hill on IoT:** Following the launch of a bipartisan Internet of Things working group by **House Commerce** members *Bob Latta* (R-OH) and *Peter Welch* (D-VT) last week, the pair highlighted the potential of the IoT in a blog post Tues. “It is essential that Members of Congress better understand the policy implications of this nascent industry while encouraging innovation that has unparalleled potential. It is also imperative that we proceed cautiously, focusing on better understanding and encouraging the secure development and deployment of smart devices, systems, and things,” the lawmakers wrote.

**TNT’s NBA Rating:** Based on **Nielsen** Fast Nationals, **TNT’s** coverage of Game 7 between the Oklahoma City Thunder and the Golden State Warriors on Mon was cable’s most-viewed NBA telecast of all time and TNT’s most-watched program in network history. It averaged 15.9mln total viewers and an 8.8 US HH rating. The game peaked with 19.8mln total viewers and a 10.9 US HH rating from 11:15-11:30 pm EST. In addition, “Inside the NBA” scored a 4.8 HH rating, the show’s highest overnight delivery ever. The Thunder-Warriors game telecast and “Inside the NBA” delivered the top 2 programs of the night across all of TV. This year’s 7-game NBA Western Conference Finals on TNT averaged 9.9mln total viewers and a 5.9 US HH rating to generate the most-viewed WCF coverage ever on cable TV. When compared with 2014, the last time the net aired the conference, the 2016 WCF is up 47% in total viewers and 40% in US HH rating. Digitally, **Turner’s** TVE platforms bagged 1mln uniques, 1.7mln video starts and 23mln minutes of video consumption for the Warriors/Thunder Game 7. Overall, TNT’s coverage of the 2016 NBA Playoffs averaged 4.7mln total viewers and a 2.9 US HH rating for its 42-game schedule, up 16% and 12% from the 2015 coverage.

**Roots Rating: History’s** “Roots” premiere scored 5.3mln viewers on Memorial Day, based on Nielsen Fast Nationals, making it the #1 scripted miniseries premiere on cable since 2013 (**A+E Networks’** “Bonnie & Clyde”). Airing on **History**, **Lifetime**, **A&E** and **LMN**, the 9pm premiere telecast scored 2.1mln adults 25-54 and 1.8mln adults 18-49. Over the course of the night, 8.5mln viewers watched the episode (3 telecasts). Episode 2 of “Roots” was set to premiere Tues night at 9pm ET, following an encore of the first ep.

**TiVo Numbers:** Total **TiVo** subscriptions increased by 315K in 1Q to more than 7.1mln, with MSO subscriptions rising 28% YOY to 6.1mln. Net income totaled \$4.2mln, and includes \$5.2mln in Rovi transaction costs and \$3.7mln in restructuring expenses that are partially offset by a \$3.2mln tax benefit from those items. Revenue of \$107mln beat analyst estimates, but net income per share of \$0.04 fell below estimates of \$0.08 with the stock taking a hit in after-hours trading.

# BUSINESS & FINANCE

Rovi's \$1.1bn transaction to acquire TiVo continues to move forward, with the deal expected to close in 3Q.

**Roberts at CTAM:** The **CTAM Educational Foundation** said **Comcast** chmn/CEO *Brian Roberts* will deliver the Dan Aaron Lecture on Innovative Management during the 2016 Cable Executive Management at **Harvard Business School** program. The lecture was created by Comcast in honor of the late co-founder. Roberts will be interviewed by *Julian Brodsky*, another Comcast co-founder and member of the CTAM Educational Foundation's board. The CTAM executive education program is June 12-17 in Boston.

**Obituary:** Religious broadcaster *Jan Crouch*, co-founder of **Trinity Broadcasting Network**, passed away Tues following a massive stroke. She was 78. Crouch co-founded the net with her late husband *Paul Crouch* in 1973. Today, TBN reaches more than 1bln potential viewers worldwide.

**People:** **Fox Sports** named ex-**ESPN** and **Embassy Row** producer and exec *Gabe Goodwin* to the newly created position of vp, cross-platform content. Goodwin had been an exec producer at Embassy Row.

**Editor's Note:** Join us June 14 at the Edison Ballroom in NY for The Faxies & Best Sellers Awards breakfast followed by our 4-hour marketing forum that will explore ad blocking, live video and more. Registration and more information at **Cablefax.com**.

## Cablefax Daily Stockwatch

Company	05/31 Close	1-Day Ch	Company	05/31 Close	1-Day Ch			
<b>BROADCASTERS/DBS/MMDS</b>								
DISH:	49.90	0.95	HARMONIC:	2.86	(0.02)			
ENTRAVISION:	7.22	(0.03)	INTEL:	31.59	0.02			
GRAY TELEVISION:	11.82	0.25	INTERACTIVE CORP:	55.88	(0.39)			
MEDIA GENERAL:	17.84	0.04	LEVEL 3:	53.95	0.27			
NEXSTAR:	53.22	0.12	MICROSOFT:	53.00	0.68			
SINCLAIR:	31.63	0.26	NETFLIX:	102.57	(0.73)			
TEGNA:	22.96	0.17	NIELSEN:	53.39	(0.02)			
<b>MSOS</b>								
CABLE ONE:	489.99	2.98	SEACHANGE:	3.31	(0.1)			
CABLEVISION:	34.68	0.01	SONY:	27.86	(0.16)			
CHARTER:	218.94	(1.03)	SPRINT NEXTEL:	3.80	0.12			
COMCAST:	63.30	0.42	SYNACOR:	3.11	(0.04)			
GCI:	15.59	0.38	TIVO:	9.95	(0.07)			
LIBERTY BROADBAND:	57.80	0.19	UNIVERSAL ELEC:	64.93	0.07			
LIBERTY GLOBAL:	37.35	0.04	VONAGE:	4.61	0.05			
SHAW COMM:	19.13	(0.01)	YAHOO:	37.94	0.12			
SHENTEL:	31.99	0.70	<b>TELCOS</b>					
<b>PROGRAMMING</b>								
21ST CENTURY FOX:	28.88	(0.05)	AT&T:	39.15	0.16			
AMC NETWORKS:	63.94	0.76	CENTURYLINK:	27.12	0.31			
CBS:	55.20	0.33	FRONTIER:	5.17	0.02			
DISCOVERY:	27.85	0.30	TDS:	28.79	0.09			
DISNEY:	99.22	(1.07)	VERIZON:	50.90	0.28			
GRUPO TELEVISIA:	26.74	(0.5)	<b>MARKET INDICES</b>					
HSN:	52.37	0.27	DOW:	17787.13	(86.09)			
LIONSGATE:	22.30	0.46	NASDAQ:	4948.05	14.55			
MSG NETWORKS:	17.31	0.21	S&P 500:	2096.95	(2.11)			
SCRIPPS INT:	64.34	0.72						
STARZ:	27.00	0.19						
TIME WARNER:	75.66	0.38						
VIACOM:	48.20	(0.57)						
WWE:	17.57	0.06						
<b>TECHNOLOGY</b>								
ADVANTAGE:	1.74	0.02						
AMDOCS:	57.99	(0.02)						
AMPHENOL:	58.72	0.57						
APPLE:	99.86	(0.49)						
ARRIS GROUP:	24.10	0.55						
AVID TECH:	5.95	0.05						
BLNDER TONGUE:	0.37	0.02						
CISCO:	29.05	0.13						
COMMSCOPE:	31.15	0.10						
CONCURRENT:	6.50	0.08						
CONVERGYS:	28.19	0.05						
CSG SYSTEMS:	42.51	(0.13)						
EHOSTAR:	40.04	(0.19)						
GOOGLE:	735.72	3.06						

## Cablefax Industry Jobs

### 3 Tips to Finding and Hiring the Perfect Candidate

#### TIP 1 : Target Candidates!

Post your openings on Cablefax's job board to reach top talent and filter applicants that lack industry experience. Ask about bundles to fit your needs and budget.

#### TIP 2 : Be Selective!

Don't waste time reading pointless resumes. You can search Cablefax's resume database for free, while utilizing the demographic filters.

#### TIP 3 : Stand Out!

Take advantage of upgrades to add exposure by taking advantage of upgrades, including weekly job eletters sent to over 40k industry executives.

