

Hearing Date and Time: August 31, 2021 at 10:00 a.m.  
Objection Deadline: August 24, 2021 at 5:00 p.m.  
Related Dkt. Nos.194, 197 and 201

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re :  
 : Chapter 7  
 :  
HELIOS AND MATHESON ANALYTICS : Case Nos. 20-10242-dsj  
INC., *et al.*,<sup>1</sup> :  
 : (Jointly Administered)  
 :  
Debtors. :  
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**CERTIFICATE OF NO OBJECTION REGARDING TRUSTEE’S MOTION PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019(a) APPROVING A STIPULATION RESOLVING LITIGATION BETWEEN MOVIEPASS, INC. AND SINEMIA, INC. (DKT. NOS. 194, 197 AND 20)**

Pursuant to Rule 9075-2 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”), the undersigned hereby certifies as follows

1. On July 29, 2021, Alan Nisselson, trustee (the “Trustee”) for the chapter 7 estate of MoviePass, Inc. (“MoviePass”), moved for the entry of an order, pursuant to 11 U.S.C. § 105(a) and Federal Rule of Bankruptcy Procedure 9019(a), approving a stipulation between the

<sup>1</sup> The Debtors in the jointly administered Chapter 7 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Helios and Matheson Analytics, Inc., a/k/a MovieFone (9913), Zone Technologies, Inc., a/k/a Red Zone, a/k/a Zone Intelligence, (5124), and MoviePass, Inc. (9893).



Trustee and the chapter 7 trustee for Sinemia, Inc. (“Sinemia”) resolving certain prepetition patent litigation between MoviePass and Sinemia, (the “Motion”)<sup>2</sup> [Dkt. No. 195].

2. The Motion and a notice thereof (the “Hearing Notice”) were served on counsel to Sinemia in the MoviePass bankruptcy case, counsel to the Trustee of the Sinemia Delaware bankruptcy case, counsel to Sinemia in the Delaware bankruptcy case and the Office of the United States Trustee on July 29, 2021 in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules. See Certificate of Service of Rossmery Martinez, filed on August 3, 2021 [Dkt. No. 197].

3. The Hearing Notice was served on additional parties on the case’s Limited Service List, the full Creditor Matrix, and the Subscriber List on July 29, 2021, August 2, 2021 and August 10, 2021 in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules. See Certificate of Service of Rossmery Martinez, filed on August 3, 2021 [Dkt. No. 197]; and Supplemental Certificate of Service of Heather Fellows, filed on August 18, 2021 [Dkt. No. 201].

4. Pursuant to the Hearing Notice, and in accordance with the Local Rules, any objections to the Motion were to be filed and served by no later than August 24, 2021 at 5:00 p.m. (Eastern Time) (the “Objection Deadline”) [Dkt. No. 195].

5. As of the date and time of filing hereof, which is more than 48 hours after the Objection Deadline, no objection, responsive pleading, or request for a hearing with respect to the Motion has been filed or served on the Trustee’s counsel, and the Trustee’s counsel has reviewed the Court’s docket in this case and no objection, responsive pleading or request for hearing with respect to the Motion appears thereon.

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<sup>2</sup> All capitalized terms used but not otherwise defined herein shall have the same meanings ascribed to them in the Motion.

6. A proposed order (the “Proposed Order”) is attached as Exhibit A. The Proposed Order is substantially identical to the proposed order that had been annexed to the Motion, and has only been updated from the prior version to delete references to the previously scheduled hearing. The Proposed Order will be submitted to the Court, along with this certificate.

7. Accordingly, it is respectfully requested that the Court enter the Proposed Order granting the Motion.

Dated: New York, New York  
August 26, 2021

WINDELS MARX LANE & MITTENDORF, LLP  
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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

HELIOS AND MATHESON ANALYTICS  
INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 7

Case Nos. 20-10242-dsj  
(Jointly Administered)

**ORDER PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 9019(a) APPROVING A STIPULATION RESOLVING LITIGATION  
BETWEEN MOVIEPASS, INC. AND SINEMIA, INC.**

Upon the motion (Doc. 195) (the “**Motion**”)<sup>2</sup> of Alan Nisselson, as trustee for the chapter 7 estate of MoviePass, Inc. (“**MoviePass**”), Case No. 20-10242 (the “**Estate**”), seeking entry of an order pursuant to 11 U.S.C. § 105(a) and Federal Rule of Bankruptcy Procedure 9019(a) approving a stipulation between the Trustee and the chapter 7 trustee for Sinemia, Inc. resolving that certain prepetition Patent Litigation between MoviePass and Sinemia, Inc. (the “**Stipulation**”); and it appearing that due and sufficient notice has been given to all parties in interest as required by the applicable provisions of the Bankruptcy Code, Bankruptcy Rules, and the local rules of this Court, as evidenced by the Affidavit of Service filed with the Court; and no objections to the Motion having been filed; and the Court having considered the Motion, and the Declaration of Alan Nisselson in support of the Motion; and the Court having found the relief sought in the Motion is appropriate and approval of the Stipulation is reasonable and in the best interests of the Estate and creditors; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the

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<sup>1</sup>The Debtors in the jointly administered Chapter 7 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Helios and Matheson Analytics, Inc., a/k/a MovieFone (9913), Zone Technologies, Inc., a/k/a Red Zone, a/k/a Zone Intelligence, (5124), and MoviePass, Inc. (9893).

<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and after due deliberation; and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED, THAT:**

1. The Motion is granted in its entirety and the Stipulation is hereby approved and authorized pursuant to Federal Rule of Bankruptcy Procedure 9019(a).

2. This Court retains jurisdiction to interpret and enforce this Order, including to resolve any dispute arising from or related to the Stipulation.

Dated: New York, New York  
August \_\_, 2021

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The Honorable David S. Jones  
United States Bankruptcy Judge