EXHIBIT 5

New text is <u>underlined</u>;
Deleted text is in [brackets]

## Rules of NYSE Amex LLC

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**Trading of Option Contracts**

**Section 1. General Rules Relating to Options**

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**Rule 903. Series of Options Open for Trading**

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• • • *Commentary* ------------------

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**.06** The $1 Strike <u>Price Interval</u> Program. The interval between strike prices of series of options on individual stocks may be:

a. <u>Program Description.</u>  $1.00 or greater [("$1 Strike Prices") provided] <u>strike price intervals where</u> the strike price is $50 or less, but not less than $1. The listing of $1 strike price[s] <u>intervals</u> shall be limited to option classes overlying no more than 150 individual stocks [(the "$1 Strike Price Program")] as specifically designated by the Exchange. The Exchange may list $1 [S]<u>s</u>trike [P]<u>p</u>rice[s] <u>intervals</u> on any other option classes if those classes are specifically designated by other national securities exchanges that employ a similar $1 Strike Price <u>Interval</u> Program under their respective rules. <u>If a class participates in the $1 Strike Price Interval Program, $2.50 strike price intervals are not permitted between $1 and $50 for non-LEAPS and LEAPS.</u>

b. *Initial and Additional Series.* To be eligible for inclusion into the $1 Strike Price <u>Interval</u> Program, an underlying [security] <u>stock</u> must close below $50 in the primary market on the previous trading day. After a [security] <u>stock</u> is added to the $1 Strike Price <u>Interval</u> Program, the Exchange may list $1 [S]<u>s</u>trike [P]<u>p</u>rice[s] <u>intervals</u> from $1 to $50 [that are no more than $5 from the closing price of the underlying on the preceding day, or no more than $5 from the opening price of the underlying on its primary market for series to be added intraday. For example, if the underlying security closes at $13, the Exchange may list strike prices from $8 to $18. Also, for example, if the same issue were to open on its primary listing market the next day at $22.10, the Exchange could immediately list strike prices from $19

to $27. In instances where the overnight price movement in the underlying security has left a discontinuity in $1 strike prices, the Exchange may list all $1 strikes between the previous day's close and the opening price on the primary listing market. For instance, an underlying issue that closes at $14 may have $1 strikes from $9 to $19. If the same issue opens on its primary listing market the next day at $27.10, it may add $21 and $22, in addition to strikes from $23 to $32 (and in addition to the standard interval strike of $20). The Exchange may not list series with $1 intervals within $0.50 of an existing strike price in the same series, except that strike prices of $2, $3, $4, $5, and $6 shall be permitted within $0.50 of an existing strike price for classes also selected to participate in the $0.50 Strike Program. Additionally, for an option class selected for the $1 Strike Price Program, the Exchange may not list $2.50. The Exchange may list one $1 Strike option series strike above and below each standard $5 strike interval that is more than $5 from the price of the underlying security, with the strike being $2 above the standard strike for each interval above the price of the underlying security, and $2 below the standard strike, for each interval below the price of the underlying security, provided it meets the OLPP Provisions in Rule 903A. For instance, if the underlying security was trading at $19, the Exchange could list, for each month, the following strikes: $3, $5, $8, $10, $13, $14, $15, $16, $17, $18, $19, $20, $21, $22, $23, $24, $25, $27, $30, $32, $35, and $37.] according to the following parameters:

(i) If the price of the underlying stock is equal to or less than $20, the Exchange may list series with an exercise price up to 100% above and 100% below the price of the underlying stock. However, the foregoing restriction shall not prohibit the listing of at least five (5) strike prices above and below the price of the underlying stock per expiration month in an option class. For example, if the price of the underlying stock is $2, the Exchange would be permitted to list the following series: $1, $2, $3, $4, $5, $6 and $7.

(ii) If the price of the underlying stock is greater than $20, the Exchange may list series with an exercise price up to 50% above and 50% below the price of the underlying stock up to $50.

(iii) For the purpose of adding strikes under the $1 Strike Price Interval Program, the "price of the underlying stock" shall be measured in the same way as "the price of the underlying security" is as set forth in Rule 903A(b)(1) .

(iv) No additional series in $1 strike price intervals may be listed if the underlying stock closes at or above $50 in its primary market. Additional series in $1 strike price intervals may not be added until the underlying stock closes again below $50.

(v) LEAPS.  For stocks in the $1 Strike Price Interval Program, the Exchange may list one $1 strike price interval between each standard $5 strike interval, with the $1 strike price interval being $2 above the standard strike for each interval above the price of the underlying stock, and $2 below the standard strike for each

interval below the price of the underlying stock ("$2 wings"). For example, if the price of the underlying stock is $24.50, the Exchange may list the following standard strikes in $5 intervals: $15, $20, $25, $30 and $35. Between these standard $5 strikes, the Exchange may list the following $2 wings: $18, $27 and $32.

In addition, the Exchange may list the $1 strike price interval which is $2 above the standard strike just below the underlying price at the time of listing. In the above example, since the standard strike just below the underlying price ($24.50) is $20, the Exchange may list a $22 strike. The Exchange may add additional long-term options series strikes as the price of the underlying stock moves, consistent with the OLPP.

Additional long-term option strikes may not be listed within $1 of an existing strike until less than nine months to expiration.

[c. A security shall remain in the $1 Strike Price Program until otherwise designated by the Exchange.]

[d. The Exchange may select a limited number of its listed options on individual stocks for which the interval of strike prices will be $0.50 or greater beginning at $.50 where the strike price is $5.50 or less, but only for options classes whose underlying securities closed at or below $5.00. in its primary market on the previous trading day and which have national average daily volume that equals or exceeds 1,000 contracts per day as determined by the Options Clearing Corporation during the preceding three calendar months. The listing of $0.50 strike prices shall be limited to options classes overlying no more than 20 individual stocks (the "$0.50 Strike Program") as specifically designated by the Exchange. The Exchange may list $0.50 strike prices in any other option classes if those classes are specifically designated by other securities exchanges that employ a similar $0.50 Strike Program under their respective rules. A stock shall remain in the $0.50 Strike Program until otherwise designated by the Exchange. ]

c [e]. The Exchange may list $1 strike price[s] intervals up to $5 in LEAPS in up to 200 option classes on individual stocks. The Exchange may not list [strike prices with] $1 strike price intervals within $0.50 of an existing $2.50 strike [price] in the same [series] expiration.

[f. For issues in the $1 Strike Program, the Exchange may list one long-term option series strike between each standard $5 strike interval, with the strike being $2 above the standard strike for each interval above the price of the underlying security, and $2 below the standard strike for each interval below the price of the underlying security. In addition, the Exchange may list the $1 strike which is $2 above the standard strike just below the underlying price at the time of listing, and may add additional long-term options series strikes as the price of the underlying security moves, consistent with the OLPP. For instance, if the underlying is

trading at $21.25, long-term strikes could be listed at $15, $18, $20, $22, $25, $27, and $30. If the underlying subsequently moved to $22, the $32 strike could be added. If the underlying moved to $19.75, the $13, $10, $8, and $5 strikes could be added.]

[Additional long-term option strikes may not be listed within $1 of an existing strike until less than nine months to expiration.]

d. Delisting Policy. [With respect to options classes added pursuant to this Commentary .06,] For options classes selected to participate in the $1 Strike Price Interval Program, the Exchange will, on a monthly basis, review series [in classes that had series] that were originally listed under the $1 Strike Price Interval Program [this provision] with strike prices that are more than $5 from the current value of an options class and delist those series with no open interest in both the put and the call series having a: (i) strike higher than the highest strike price with open interest in the put and/or call series for a given expiration month; and (ii) strike lower than the lowest strike price with open interest in the put and/or call series for a given expiration month.

[Notwithstanding the above referenced delisting policy, member requests to add strikes and/or maintain strikes in series of options classes traded pursuant to this Commentary .06 eligible for delisting may be granted.]

[In connection with the above referenced delisting policy, i]If the Exchange identifies series for delisting, the Exchange shall notify other options exchanges with similar delisting policies regarding eligible series for delisting, and shall work with such other exchanges to develop a uniform list of series to be delisted, so as to ensure uniform series delisting of multiply listed options classes.

Notwithstanding the above delisting policy, the Exchange may grant ATP Holder requests to add strikes and/or maintain strikes in series of options classes traded pursuant to the $1 Strike Price Interval Program that are eligible for delisting.

A stock shall remain in the $1 Strike Price Interval Program until otherwise designated by the Exchange.

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.13 The Exchange may select a limited number of its listed options on individual stocks for which the interval of strike prices will be $0.50 or greater beginning at $.50 where the strike price is $5.50 or less, but only for options classes whose underlying securities closed at or below $5.00 in its primary market on the previous trading day and which have national average daily volume that equals or exceeds 1,000 contracts per day as determined by the Options Clearing Corporation during the preceding three calendar months. The listing of $0.50 strike prices shall be limited to options classes overlying no more than 20 individual stocks (the "$0.50 Strike Program") as specifically designated by

the Exchange. The Exchange may list $0.50 strike prices in any other option classes if those classes are specifically designated by other securities exchanges that employ a similar $0.50 Strike Program under their respective rules. A stock shall remain in the $0.50 Strike Program until otherwise designated by the Exchange.