

Additions: Underlined

Deletions: [Bracketed]

Rule 36. Communications Between Exchange and Members' Offices

.70 Use and Possession of Wireless [Trading] Hand-Held Devices.

(a)(i) Members and employees of member organizations are prohibited from using or possessing any wireless [trading] hand-held device (“hand-held device”) that may be used to view or enter orders into the Exchange's automated trading systems while on the NYSE Amex Options Trading Floor.

(ii) Members and employees of member organizations are also prohibited from using or possessing any [wireless trading] hand-held device that may be used to view or enter orders into the NYSE Amex Options automated trading systems while on the Exchange's Trading Floor.

(iii) These prohibitions apply to any and all [wireless trading] hand-held devices, including hand-held devices issued by the Exchange or NYSE Amex, and hand-held devices that are proprietary to a member, member organization or other entity.

(b)(i) Floor brokers are permitted to use hand-held devices issued or approved in accordance with paragraph (b)(iii) on the Floor to receive orders and send order-related messages, including cancellations and modifications, administrative messages, information about buying and selling interest in the market (e.g., market looks), and trade reports, in text or graph form as part of an integrated Floor order management and communication system. Hand-held devices may receive orders and send order-related messages to: (1) a booth; (2) a customer; (3) a proprietary order management system; or (4) another hand-held device; provided however Floor brokers are not permitted to use hand-held devices to retransmit off the Floor any datafeeds made available on the hand-held devices. For purposes of this paragraph (b)(i), the term “customer” means a person who the Floor broker reasonably believes is receiving the order-related messages in consideration of a securities transaction or potential securities transaction with the Floor broker.

(ii) Orders may be transmitted directly to the hand-held device and order-related messages may be sent directly from the hand-held device, bypassing the Floor broker’s booth, and Floor brokers may receive orders and send order information back to their customers directly through the hand-held device. An order sent to an Floor broker’s booth or hand-held device constitutes a “written order” for the purposes of NYSE Rule

117 if the member can show via the data recorded by those systems that the transmission of the order: (1) provided adequate information relating to the price, size and time of the order, the cancellation of the order and any other relevant order information; (2) satisfies the Exchange's audit trail requirements; and (3) satisfies all other Exchange reporting and record-keeping requirements.

(iii) Members and employees of member organizations may use Exchange issued hand-held devices or Exchange approved hand-held devices of a member organization. Only member organizations are allowed to serve as vendors of hand-held devices to other member organizations on the Floor. Member organizations that operate as vendors of hand-held devices are required to satisfy all NYSE requirements, including but not limited to those specified in NYSE Rules 123(e) and (f), and complete all necessary documentation in order to conduct this business. The vending member organization is responsible for the actions of its members and employees to assure that they will comply with all relevant laws, rules and regulations.

(iv) Member organizations that use hand-held devices that are approved but not issued by the Exchange shall have policies and procedures in place to ensure that such hand-held devices operate appropriately in order to avoid any delays in the receipt or execution of customer orders that may impact a member organization's ability to comply with its best execution obligations.

(v) A member organization that operates a hand-held vendor business may delegate this function to an agent and/or contractor provided that the member organization guarantees the performance of the delegated agent and/or contractor. The Exchange reserves the right to test hand-held devices and request documentation relating to such hand-held devices from any member organization or its agent and/or contractor.
