

Exhibit 5

New text is underlined; deleted text is in brackets.

**NASDAQ OMX PHLX LLC
FEE SCHEDULE**

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VI. ACCESS SERVICE, CANCELLATION, MEMBERSHIP, REGULATORY AND OTHER FEES

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Permit Fees for Phlx Members (per month)†◇	
Transacting business on Phlx	\$[1,100] <u>2,000</u> *
Not transacting business on Phlx	\$7,500**
<p>*A member or member organization will pay an additional permit fee for each sponsored options participant.</p> <p>**A member or member organization will be assessed a \$7,500 monthly fee if that member is (i) not a PSX Only Participant; or (ii) not engaged in an options business at Phlx in a particular month.</p> <p>◇ A member or member organization will be assessed the \$[1,100]<u>2,000</u> monthly Permit Fee if that member or member organization: (1) transacts its option orders in its assigned Phlx house account in a particular month; <u>(2) is a clearing member of The Options Clearing Corporation or a Floor Broker;</u> or ([2]<u>3</u>) for those member organizations which are under common ownership, transacts at least one options trade in a Phlx house account that is assigned to one of the member organizations under common ownership. For purposes of the Permit Fee, "common ownership" shall be defined as at least 75% common ownership between the member organizations.</p> <p>Application Fee†◇</p> <p>◇An applicant will be assessed the Application Fee each time an applicant applies for membership, notwithstanding the fact that the applicant may have been a former permit holder. \$350</p>	

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