

EXHIBIT 5

Deleted text is [bracketed]. New text is underlined.

Nasdaq PHLX Rules

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Rule 1059. Accommodation Transactions

(a) – (b) No change.

••• *Commentary:* -----

.01 - .02 No change.

.03 Pursuant to Rule 1079(g), open FLEX option positions are eligible to be closed in accordance with this Rule 1059 at the minimum increments specified herein. The FLEX option cabinet order may be executed against contraside interest which closes a FLEX option position or, to the extent permitted under Rule 1059(a)(iii), against contraside interest which opens a FLEX option position. Sections (a) and (b) of Rule 1079 shall not apply to FLEX option transactions executed pursuant to Rule 1079(g) and Rule 1059. However, Sections (c) – (g) of Rule 1079 shall apply to any FLEX option position opened pursuant to Rule 1059.

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Rule 1079. FLEX Index, Equity and Currency Options

A Requesting Member shall obtain quotes and execute trades in certain non-listed FLEX options at the post of the non-FLEX option on the Exchange. The term "FLEX option" means a FLEX option contract that is traded subject to this Rule. Although FLEX options are generally subject to the Rules in this section, to the extent that the provisions of this Rule are inconsistent with other applicable Exchange Rules, this Rule takes precedence with respect to FLEX options.

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(g) Notwithstanding Rule 1079(a)(4) regarding FLEX Index, Equity and Currency Options minimum increments, open FLEX option positions are eligible to be closed in accordance with Rule 1059, Accommodation Transactions, at the minimum increments specified therein. The FLEX option cabinet order may be executed against contraside interest to close a FLEX option position or, to the extent permitted under Rule 1059(a)(iii), against contraside interest which opens a FLEX option position. Sections (a) and (b) of Rule 1079 shall not apply to FLEX option transactions executed pursuant to

Rule 1079(g) and Rule 1059. Sections (c) – (g) of Rule 1079 shall apply to any FLEX option position opened pursuant to Rule 1059.

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