

Added text underlined; deleted text in [brackets].

**NYSE Amex Equities Rules**

\* \* \* \* \*

**Rule 103B Security Allocation and Reallocation**

\* \* \* \* \*

**VI. POLICY NOTES**

\* \* \* \* \*

**(D) *Listed Company Mergers***

(1) When two Exchange listed companies merge[, the merged entity is assigned to the DMM in the company that is determined to be the survivor-in-fact (dominant company). Where no surviving/dominant entity can be identified], the merged company may select one of the units trading the merging companies without the security being referred for reallocation, or it may request that the matter be referred for allocation through the allocation process pursuant to Rule 103B – NYSE Amex Equities, Section III. A DMM unit[s] that [are] is ineligible to receive a new allocation due to its failure to meet the requirements of Rule 103B – NYSE Amex Equities Sections II(D) and (E) will remain eligible to [receive an allocation] be selected pursuant to this section in its capacity as the DMM for one of the two pre-merger companies, but will not be eligible to participate in the allocation process if the post-merger listed company requests that the matter be referred for allocation through the allocation process pursuant to Rule 103B – NYSE Amex Equities, Section III.

\* \* \* \* \*

(3) In situations involving the merger of a listed company and an unlisted company[, where the unlisted company is determined to be the survivor-in-fact, such] , the merged company may choose to remain registered with the DMM unit that had traded the listed company entity in the merger, or it may request that the matter be referred for allocation through the allocation process pursuant to Rule 103B – NYSE Amex Equities. A DMM unit[s] that [are] is ineligible to receive a new allocation due to its failure to meet the requirements of Rule 103B – NYSE Amex Equities, Section II(D) and (E) will remain eligible to [receive an allocation] be selected pursuant to this section in its capacity as the DMM for the pre-merger listed company, but will not be eligible to participate in the allocation process if the post-merger listed company requests that the matter be referred for allocation through the allocation process pursuant to Rule 103B – NYSE Amex Equities, Section III.

\* \* \* \* \*