

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106146; File No. SR-CBOE-2026-073]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend its Fees Schedule Regarding Certain Free Trials

August 17, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 14, 2026, Cboe Exchange, Inc. (“Cboe Options” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to amend the free trial provisions for its End-of-Day (“EOD”) Open-Close Data, Ten-Minute Interval Intraday Open-Close Data, and One-Minute Interval Intraday Open-Close Data to replace the current participant-selected six-month historical data window with a fixed, uniform time range of July 1, 2022 through December 31, 2022 for all three products. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

(https://www.cboe.com/us/options/regulation/rule_filings/cone/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to modify the free trial provisions applicable to its Open-Close Data products.³ Specifically, the Exchange proposes to replace the current free trial language—which permits each requesting participant to select any six-month window of historical data—with a fixed, uniform historical time range of July 1, 2022 through December 31, 2022, applicable to all three Open-Close Data products: End-of-Day (“EOD”) Open-Close Data, Ten-Minute Interval Intraday Open-Close Data, and One-Minute Interval Intraday Open-Close Data.

By way of background, the Exchange currently offers End-of-Day (“EOD”) and Intraday Open-Close Data (collectively, “Open-Close Data”). EOD Open-Close Data is an end-of-day volume summary of trading activity on the Exchange at the option level by origin (customer, professional customer, broker-dealer, and market maker), side of the market (buy or sell), price,

³ The Exchange initially filed the proposed fee changes on August 7, 2026 (SR-CBOE-2026-069). On August 14, 2026, the Exchange withdrew that filing and submitted this proposal.

and transaction type (opening or closing). The customer and professional customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The EOD Open-Close Data is proprietary Exchange trade data and does not include trade data from any other exchange. It is also a historical data product and not a real-time data feed.

The Exchange also offers Intraday Open-Close Data, which provides similar information to that of EOD Open-Close Data but is produced and updated every ten minutes (Ten-Minute Interval Intraday Open-Close Data) or one minute (One-Minute Interval Intraday Open-Close Data) during the trading day. Data is captured in “snapshots” taken every either every ten minutes or one minute (depending on the applicable report) throughout the trading day and is available to subscribers within five minutes of the conclusion of each applicable interval.⁴

All Open-Close Data products are completely voluntary products, in that the Exchange is not required by any rule or regulation to make this data available and potential customers may purchase it (or receive a sample) only if they voluntarily choose to do so. The Exchange currently offers a free trial of the Open-Close Data products under which a requesting participant may select any six-months of historical data to sample before subscribing.⁵ The purpose of the free trial is to provide prospective subscribers with a sample of the data they would receive upon subscribing, thereby allowing them to evaluate the content, structure, and value of the Exchange’s Open-Close Data products before committing to a paid subscription.

⁴ For example, subscribers to the Ten-Minute Interval Intraday Open-Close Data receive the first calculation of intraday data by approximately 9:42 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers receive the next update at 9:52 a.m., representing the data previously provided together with data captured from 9:40 a.m. through 9:50 a.m., and so forth.

⁵ See Securities Exchange Act Release No. 104365 (December 11, 2025), 90 FR 58319 (December 16, 2025) (SR-CBOE-2025-082).

The Exchange now proposes to replace the current variable, participant-selected six-month trial window with a single fixed and uniform historical time range—July 1, 2022 through December 31, 2022—for all three Open-Close Data products (EOD, Ten-Minute Interval Intraday, and One-Minute Interval Intraday Open-Close Data). Under the proposed change, all requesting participants would receive the identical six-month dataset covering July through December 2022, rather than selecting their six-month period.

The Exchange believes that providing a uniform, fixed six-month historical time range still fulfills the overarching purpose of the free trial—namely, to give prospective subscribers a representative sample of the data they would receive upon subscribing. The July through December 2022 period provides an adequate basis for prospective subscribers to evaluate the content, structure, and analytical value of each Open-Close Data product.

Moreover, a fixed time range is easier for the Exchange to administer and ensures that every requesting participant receives the identical trial dataset. This uniformity promotes consistency and supports non-discriminatory access, as all prospective subscribers receive the same data on the same terms. The Exchange notes that the duration for which the sample data offered remains unchanged (i.e., a period of six months); only the mechanism for selecting which six-month period is being standardized.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁶ Specifically, the

⁶ 15 U.S.C. 78f(b).

Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁷ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed modification to the free trial provisions is consistent with the principles of Regulation NMS as it promotes the continued broadening of the availability of U.S. options market data to investors and promotes increased transparency through the continued dissemination of Open-Close Data.

The Exchange believes the proposed rule change is equitable and not unfairly discriminatory because the fixed July 1, 2022 through December 31, 2022 time range applies uniformly to all requesting participants. Every prospective subscriber receives access to the identical sample dataset on the same terms, without differentiation among market participants.

⁷ 15 U.S.C. 78f(b)(5).

⁸ *Id.*

The Exchange further notes that the free sample (and the Open-Close Data products available for purchase) remain entirely voluntary; no participant is required to request the sample or purchase the data, and the Exchange is not required by any rule or regulation to offer the Open-Close Data.

The Exchange also believes the proposed rule change removes impediments to and perfects the mechanism of a free and open market by simplifying and standardizing the administration of the free trial, thereby promoting efficient access to market data on uniform terms for all interested participants.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act⁹, which requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The proposed modification to the free trial provisions provides for an equitable allocation because the fixed July 1, 2022 through December 31, 2022 trial time range is made available on identical terms to every requesting participant, without differentiation based on the type or size of the market participant. The free trial itself imposes no charge on requesting participants. Moreover, the proposed change does not alter the fees assessed for the underlying Open-Close Data products; it modifies only the mechanism by which the sample data is administered. Accordingly, the Exchange believes the proposed rule change provides for the equitable allocation of reasonable dues, fees, and other charges among all persons who may seek to sample the Exchange's Open-Close Data products.

⁹ 15 U.S.C. 78f(b)(4)

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is an administrative modification to the terms of a voluntary free trial of the Exchange's Open-Close Data products. The fixed time range of July 1, 2022 through December 31, 2022 applies uniformly to any requesting participant and does not differentiate among market participants.

The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to offer their own comparable products and trials. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. The proposed free trial terms apply uniformly to any requesting participant, in that the Exchange does not differentiate between the different market participants that may request the free trial. All requesting participants receive the identical trial dataset on the same terms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and paragraph (f) of Rule 19b-4¹¹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest,

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f).

for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2026-073 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CBOE-2026-073. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>).

Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold

entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR-CBOE-2026-073 and should be submitted on or before [INSERT DATE 21 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

¹² 17 CFR 200.30-3(a)(12).