

**EXHIBIT 5**

*Deleted text is bracketed and new text is underlined.*

**NASDAQ PHLX Rules****Rules of the Exchange**

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**Allocation, SQT, RSQT, and Evaluation Rules (Rules 500—599)**

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**Rule 501. Specialist Appointment**

(a) No change.

(b) Initial application(s) to become a specialist unit shall be in a form and/or format prescribed by the Exchange and shall include the following: (1) the identity of the unit's staff positions and who will occupy those positions; (2) the unit's clearing arrangements; (3) the unit's capital structure, including any lines of credit; and (4) the unit's back up arrangements endorsed by the parties providing the following support: [a back-up specialist unit not associated with the specialist unit to provide staffing when necessary, and ]a substitute specialist unit not associated with the specialist unit [(which may be the same as the back-up specialist unit)]which shall serve as a substitute specialist unit in the event that the specialist unit is unable to perform the duties of a specialist.

Subsequent applications shall be in a form and/or format prescribed by the Exchange and shall include the information requested therein.

(c) – (e) No change.

(f) An options specialist currently operating from the Exchange's physical trading floor or a Remote Streaming Quote Trader (“RSQT”), as defined in Rule 1014, may submit an application as described above to be approved in one or more classes as a Remote Specialist as defined in Rule 1020(a)(ii).

(i) No change.

(ii) A Remote Specialist does not need to meet the assistant specialist staffing requirement pursuant to paragraph (d) [or the back-up specialist unit requirement pursuant to paragraph (b)]of this rule.

••• *Commentary:* -----

**.01 Reserved.**[For the purposes of Rule 748(b), individuals employed by the back-up specialist unit will be considered employees of the specialist unit they are assisting.]

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**Rule 507. Application for Approval as an SQT, RSQT, or RSQTO and Assignment in Options**

(a) Approval as an SQT, RSQT, or RSQTO. Registered Options Traders ("ROT"), as defined in Rule 1014, may apply for approval as Streaming Quote Traders ("SQTs") and Remote Streaming Quote Traders ("RSQTs"), as defined in Rule 1014(b)(ii). Member organizations may function as Remote Streaming Quote Trader Organizations ("RSQTOs") pursuant to this rule. RSQTOs may also be referred to as Remote Market Maker Organizations ("RMOs") and RSQTs may also be referred to as Remote Market Markers ("RMMs").

This Rule 507 places no limit on the number of qualifying ROTs that may become SQTs; any applicant that is qualified as an ROT in good standing, and that satisfies the technological readiness and testing requirements described in subsection (b)(ii) below, shall be approved as an SQT. This Rule 507 places no limit on the number of member organizations that are converted to or may become RSQTOs. Any member organization in good standing, and that satisfies the RSQTO readiness and testing requirements described in this rule, shall be approved as an RSQTO. As many as five RSQTs at any time may be identified by and affiliated with an RSQTO. Each of the affiliated RSQTs must be qualified as an ROT and must be in good standing. However, based on system constraints, capacity restrictions or other factors relevant to the maintenance of a fair and orderly market, the Exchange[Board] may defer, for a period to be determined in the [Board]Exchange's discretion, approval of qualifying applications for SQT or RSQT status pending any action required to address the issue of concern to the Exchange[Board]. The Exchange[Board] may not defer a determination of the approval of the application of any SQT or RSQT applicant or place any limitation(s) on access to the Exchange's electronic quoting and trading system on any SQT or RSQT applicant unless the basis for such limitation(s) or deferral have been objectively determined by the Exchange[Board], subject to Securities and Exchange Commission approval or effectiveness pursuant to a rule change filing under Section 19(b) of the Securities Exchange Act of 1934, as amended. The Exchange shall provide written notification to any SQT or RSQT applicant whose application is the subject of such limitation(s) or deferral, describing the objective basis for such limitation(s) or deferral.

RSQTO application. A member organization that is not currently qualified as an RSQTO may apply to the Exchange to be an RSQTO with up to five affiliated RSQTs. Each RSQTO application shall be submitted to the Exchange's designated staff in writing (electronically or otherwise as specified by the Exchange) in a form and/or format prescribed by the Exchange and shall include, at a minimum, the name of the RSQTO

applicant, the appropriate Exchange account number, and the name of each RSQT affiliated with the RSQTO applicant (the “Application Process”).

(i) – (ii) No change.

(b)(i) – (ii) No change.

(iii) In addition to the criteria described in this sub-paragraph, the Exchange shall consider the following factors in making its decision concerning an application for assignment in an option when there are more applicants for assignment in a particular option than there are positions available:

(A) - (B) No change.

(C) the applicant's prior performance as a specialist, SQT or RSQT based on [evaluations conducted pursuant to Exchange] good standing pursuant to Rule 510.

(c) – (d) No change.

(e) An appeal to the Board of Directors from a decision of the Exchange may be requested by a member or member organization interested therein by filing with the Secretary of the Exchange written notice of appeal within ten (10) days after the decision has been rendered. Any appeal from a decision pursuant to Rule 507 shall be heard by [a special committee of] the Board of Directors (“Board”) or a panel appointed by the Board of Directors (“Board Panel”) composed of three (3) [Directors, of whom at least one (1) shall be an Independent.] members not materially involved in the Exchange decision appealed from. If a Board Panel is appointed by the Board, three persons shall be selected to serve on the Board Panel and in making such selections the Board shall choose individuals whose background, experience and training qualify them to consider and make determinations regarding the subject matter to be presented to the Board Panel. The Board Panel shall consist of two members of the Exchange, or general partners or officers of member organizations and one other person who would qualify as a public member as defined in Article I of the By-Laws, whom the Board considers to be qualified. The person requesting review shall be permitted to submit a written statement to and/or appear before this [special committee] Board or Board Panel. The Secretary of the Exchange shall certify the record of the proceeding, if any and the written decision and shall submit these documents to the [special committee] Board or Board Panel. The Board’s or Board Panel’s [special committee's] review of the action shall be based solely on the record, the written decision and any statement submitted by the person requesting the review. The [special committee] Board or Board Panel shall prepare and deliver to such person a written decision and reasons therefore. If the Board or Board Panel [special committee] affirms the action, the action shall become effective ten (10) days from the date of the Board’s or Board Panel’s [special committee's] decision. There shall be no appeal to the Board [of Directors] from any decision of the [special committee] Board Panel.

(f) No change.

••• *Commentary:* -----

.01 - .04 No change.

### **Rule 508. Transfer Application**

Any proposed agreement between or among specialist units to transfer one or more options classes already allocated to a specified specialist unit shall be identified to the Exchange in writing before the proposed transfer. An agreement to transfer [or lease] a specialist unit's options classes may not become effective until approved by the Exchange. Failure to provide the Exchange prior notice of a transfer in accordance with this Rule, or failure to obtain Exchange approval of a transfer, permits the Exchange to recover the allocated securities and reallocate them pursuant to Rule 506[ and 511].

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### **Rule 510. Good Standing for Specialist, SQT, and RSQT[ Performance Evaluation]**

(a) To remain in good standing as a specialist (including Remote Specialist), SQT, or RSQT, the specialist, SQT, or RSQT must:

- i. continue to meet the requirements established in SEC Rule 15c3-1(a)(6)(i), and the requirements set forth in the Series 500 Rules in the Rules of the Exchange;
- ii. continue to satisfy the specialist, SQT, or RSQT qualification and market making requirements specified by the Exchange, as amended from time to time;
- iii. comply with the Rules of the Exchange and the Options Rules as well as the rules of The Options Clearing Corporation and the rules of the Federal Reserve Board; and
- iv. pay on a timely basis such member, transaction, and other fees as the Exchange shall prescribe.

(b) The good standing of a specialist (including Remote Specialist), SQT, or RSQT may be suspended, terminated, or otherwise withdrawn, as provided in the Exchange's rules, if any of said conditions for approval cease to be maintained or the specialist, SQT, or RSQT violates any of its agreements with the Exchange or any of the provisions of the Rules of the Exchange or of the Options Rules.

i. Informal Meeting. The Exchange will provide written notice to a specialist (including Remote Specialist), SQT, or RSQT of a contemplated action regarding good standing pursuant to this Rule 510. A specialist (including Remote Specialist), SQT, or RSQT may request and the Exchange may hold an informal meeting to discuss the alleged failure to remain in good standing and to explore possible

appropriate remedies. Written notice of the date and time of the meeting will be given to the specialist (including Remote Specialist), SQT, or RSQT and no verbatim record will be kept. If the Exchange believes there are no mitigating circumstances that would demonstrate substantial improvement of or reasonable justification for the failure to meet the good standing requirements of this Rule 510, the Exchange may take appropriate action pursuant to subsection (b) of this Rule 510. Nothing in this Informal Meeting process limits the Exchange from bringing disciplinary actions for violations of these rules.

(c) Appeal rights

An appeal by a specialist (including Remote Specialist), SQT, or RSQT to the Board of Directors ("Board") from a decision of the Exchange may be requested by a member or member organization interested therein by filing with the Secretary of the Exchange written notice of appeal within ten (10) days after the decision has been rendered. Any appeal from a decision pursuant to Rule 510 shall be heard by the Board or a panel appointed by the Board of Directors ("Board Panel") composed of three (3) members not materially involved in the Exchange decision appealed from. If a Board Panel is appointed by the Board, three persons shall be selected to serve on the Board Panel and in making such selections the Board shall, to the extent practicable, choose individuals whose background, experience and training qualify them to consider and make determinations regarding the subject matter to be presented to the Board Panel. The Board Panel shall consist of two members of the Exchange, or general partners or officers of member organizations and one other person who would qualify as a public member as defined in Article I of the By-Laws, whom the Board considers to be qualified. The person requesting review shall be permitted to submit a written statement to and/or appear before the Board or Board Panel. The Secretary of the Exchange shall certify the record of the proceeding, if any, and the written decision and shall submit these documents to the Board or Board Panel. The Board's or Board Panel's review of the action shall be based solely on the record, the written decision and any statement submitted by the person requesting the review. The Board or Board Panel shall prepare and deliver to such person a written decision and reasons therefore. If the Board or Board Panel affirms the action, the action shall become effective ten (10) days from the date of the Board's or Board Panel's decision. There shall be no appeal to the Board from any decision of the Board Panel.

[(a) Performance Evaluation. The Exchange will periodically conduct an evaluation of member organizations who have Streaming Quote Traders ("SQTs") and Remote Streaming Quote Traders ("RSQTs"), as defined in Rule 1014, to determine whether they have fulfilled performance standards relating to, among other things, quality of markets, efficient quote submission to the Exchange (including quotes submitted through a third party vendor), competition among market makers, observance of ethical standards, and administrative factors.

(b) Exchange Review of Minimum Performance Standards. The Exchange may review the Performance Evaluations and in addition may consider any other relevant information including, but not limited to, trading data, regulatory history and such other factors and data as may be pertinent in the circumstances. If the Exchange finds any failure by the SQTs and RSQTs to meet Minimum Performance Standards, the Exchange may take the following actions, after written notice and after opportunity for an informal meeting:

- (i) Restriction of assignments to additional (not currently allocated) options;
- (ii) Suspension, termination, or restriction of an assignment in one or more options; or
- (iii) Suspension, termination, or restriction of the SQT's and RSQT's registration in general.

(c) Informal Meeting Following Failure to Meet Minimum Performance Standards. If the Exchange finds any failure by an SQT or RSQT to meet Minimum Performance Standards, the Exchange will provide written notice to the SQT or RSQT. The SQT or RSQT may request and the Exchange may hold an informal meeting with the SQT or RSQT to discuss the failure to meet minimum standards and to explore possible remedies. Written notice of the meeting will be given and no verbatim record will be kept. If, after receiving such notice, the SQT or RSQT refuses or otherwise fails without reasonable justification to meet with the Exchange, the Exchange may refer the matter to the Business Conduct Committee for the commencement of formal disciplinary proceedings pursuant to Rule 960.

If the Exchange believes there are no mitigating circumstances that would demonstrate substantial improvement of or reasonable justification for the failure to meet Minimum Performance Standards, the Exchange may take remedial action pursuant to subsection (b) of this Rule.

(d) An appeal to the Board of Directors from a decision of the Exchange pursuant to subsection (b)(ii) or (b)(iii) of this Rule may be requested by a member or member organization interested therein by filing with the Secretary of the Exchange written notice of appeal within ten (10) days after the decision has been rendered.

(e) If an SQT's or RSQT's assignment in an option has been terminated pursuant to paragraph (b) above, the SQT or RSQT may not be re-appointed as a SQT or RSQT in that option for a period not to exceed six months.

••• *Commentary:* -----

**.01** On a monthly basis, the Exchange will evaluate the following Minimum Performance Standards for each SQT and RSQT:

- (a) Percentage of total quotes that represent the PBBO. If the percentage of the total quotes that represent the PBBO is in the lowest quartile of all SQTs or

RSQTs for two or more consecutive months, this may be considered sub-standard performance (that is, performance that does not attain Minimum Performance Standards).

(b) Quoting requirements pursuant to Rule 1014. If an SQT or RSQT fails to meet the quoting requirements as prescribed by the Rule, this may be considered sub-standard performance (that is, performance that does not attain Minimum Performance Standards).

(c) The number of requests for quote spread parameter relief will also be considered for the purposes of evaluating performance standards.

(d) To evaluate efficient quote submission to the Exchange, the Exchange will utilize both quote-to-trade and quote-to-contracts traded ratios to evaluate how a SQT or RSQT optimizes the submission of quotes submitted to the Exchange pursuant to Rule 1014.

.02 The Exchange may evaluate the first month's SQT or RSQT performance even if it is not a full calendar month.]

**Rule 511. Reserved. [Specialist Allocation and Performance Evaluation**

(a) The Specialist Performance Evaluation standards and procedures contained under this subsection of Rules shall govern Exchange decisions on: (1) allocating new options classes; (2) reallocating options classes for substandard performance; (3) determining whether a specialist unit that has been transferred an options class is performing adequately in order to retain the transferred security; and (4) determining whether a staff reorganization or material change with respect to a specialist unit has affected the ability of the specialist unit to continue to perform adequately in order to retain its securities.

(b) Allocations. The Exchange shall allocate new options classes, approve transfers or reallocate existing options classes to applicants based on the results of such factors as the Exchange deems appropriate, including, but not limited to, Specialist Performance Evaluations or Special Circumstance Evaluations. Among the factors that the Exchange may consider in making such decisions are: the number and type of securities in which applicants are currently registered; the personnel, capital and other resources of the applicant; recent allocation decisions within the past eighteen months; the desirability of encouraging the entry of new specialists into the Exchange's market; order flow commitments; any prior transfers of specialist privileges by the applicant and the reasons therefore and such policies as the Board instructs the Exchange to follow in allocating or reallocating securities. The Exchange may also consider: trade correction data; exemptive relief data; quality of markets data; and observance of ethical standards and administrative responsibilities. Solely with respect to options book allocations or reallocations, past or contemplated voluntary delisting of options books by options specialists, done in the best interest of the Exchange, will not be viewed negatively by the Exchange in making allocation and reallocation decisions. Recognition is given that

evaluation results may not be available for new specialist units or recently reorganized specialist units. The Exchange may establish separate or additional criteria for evaluating new or recently reorganized specialist units, particularly where evaluation results are unavailable or are only available for a limited period of time. All allocations shall initially be made on a temporary basis for a period of up to 180 days within which time the Exchange may commence a Special Circumstance Evaluation. The Exchange is empowered to allocate option classes for a limited period of time or subject to such other terms and conditions as it deems appropriate.

(i) **New Product Specialist Unit Allocation.** When an eligible specialist unit develops or is instrumental in developing or bringing a new product to the Exchange, the Exchange may consider such fact as a conclusive factor in the allocation of the new product and may allocate the new product to such specialist unit without soliciting any other specialist units pursuant to Rule 506. For the purposes of this rule, a new product is anything other than common stock of an operating company, or options or futures on common stock of an operating company or straight debt of an operating company. An operating company, for purposes of this definition, is any issuer other than one which is or holds itself out as being engaged solely in the business of investing in securities; provided that operating company shall include any issuer referred to in Sections 3(b), 3(c)(2)(A), 3(c)(3), 3(c)(5), 3(c)(6), 3(c)(8) or 3(c)(9) of the Investment Company Act of 1940 or Rules 3a-2, 3a-5 and 3a-6 thereunder (17 C.F.R. 270.3a-2; 17 C.F.R. 270.3a-5 and 17 C.F.R. 270.3a-6, respectively).

(ii) **Licensing or Other Acquisition of a Product.** In the case of any options or futures product that involves the licensing or other acquisition of an index, trademark, tradename, patent or other intellectual property, the Exchange may, as a condition of allocating the book, require a specialist unit (i) to indemnify and hold harmless the Exchange and/or any third party against any potential liabilities associated therewith and/or (ii) to pay or undertake to pay the Exchange and/or any third party any amounts related to the licensing of the product or any amounts related to the use of intellectual property; and/or (iii) to enter into any agreement or undertakings with the Exchange and/or any third party otherwise concerning the intellectual property; provided that no such agreement or undertaking shall confer upon such specialist unit any proprietary or ownership rights with respect to such intellectual property or the book. For the purposes of this rule, any requirement that involves that a specialist unit enter into a licensing or other agreement for the acquisition of an index, trademark, tradename, patent or other intellectual property or to indemnify and hold harmless the Exchange and/or any third party against potential liabilities associated therewith and/or to pay or undertake to pay the Exchange or any third party any amounts related to the licensing of a product or any amounts related to the use of intellectual property and/or to enter into any other type of agreement or undertaking with the Exchange or third party is not a business transaction pursuant to Phlx Rule 1023.

(c) **Specialist Performance Evaluations.** The Exchange will at least annually conduct an evaluation of specialist units on the Exchange to determine whether they have fulfilled performance standards that may include, but are not limited to trade correction data,



exemptive relief data, quality of markets data, proper execution of duties as a specialist unit, competition among market makers and in representing the Exchange as a specialist unit, observance of ethical standards, and administrative factors.

In addition to the data in the Specialist Performance Evaluations, the Exchange may also consider any other relevant information including, but not limited to, trading data, regulatory history, the number of requests for quote spread parameter relief, how a specialist unit optimizes the submission of quotes through the Specialized Quote Feed as defined in Rule 1080 by evaluating the number of individual quotes per quote block received by the Exchange, and such other factors and data as may be pertinent in the circumstances.

(d) Minimum Performance Reviews. As part of the Specialist Performance Evaluations, the Exchange will conduct Minimum Performance Reviews on at least an annual basis and may conduct such evaluations as often as on a monthly basis regarding whether specialist units meet Minimum Performance Standards.

(i) Minimum Performance Standards.

(A) The percentage of time that the specialist unit represents or exceeds the PBBO in the options allocated to the unit. If a specialist unit is in the lowest quartile of all specialist units for two or more consecutive months, this may be considered sub-standard performance (that is, performance that does not attain Minimum Performance Standards); and

(B) Fulfillment of quoting requirements pursuant to Rule 1014. If a specialist unit fails to meet the quoting requirements as prescribed by Rule 1014, this may be considered sub-standard performance (that is, performance that does not attain Minimum Performance Standards).

(ii) If the Exchange finds any failure by a specialist unit to meet Minimum Performance Standards, the Exchange may take the following actions, after written notice and after opportunity for an informal meeting:

(A) Restriction of assignments to additional (not currently allocated) options;

(B) Suspension, termination, or restriction of an assignment in one or more options; or

(C) Suspension, termination, or restriction of the specialist unit's or specialist's registration in general.

(iii) Informal Meeting Following Failure to Meet Minimum Performance Standards. If the Exchange finds any failure by a specialist unit to meet Minimum Performance Standards as set forth in this Rule, the Exchange will provide written notice to the specialist unit. The specialist unit may request and the Exchange may hold an

informal meeting with the head specialist and any other appropriate specialist of the specialist unit to discuss the failure to meet minimum standards and to explore possible remedies. Written notice of the meeting will be given and no verbatim record will be kept. If, after receiving such notice, the specialist unit refuses or otherwise fails without reasonable justification to meet with the Exchange, the Exchange may refer the matter to the Business Conduct Committee for the commencement of formal disciplinary proceedings pursuant to Rule 960.

If the Exchange believes there are no mitigating circumstances that would demonstrate substantial improvement of or reasonable justification for the failure to meet Minimum Performance Standards, the Exchange may take remedial action pursuant to subsection (d)(ii) of this Rule.

(iv) An appeal to the Board of Directors from a decision of the Exchange pursuant to subsection (d)(ii)(B) or (d)(ii)(C) of this Rule may be requested by a specialist unit or specialist therein by filing with the Secretary of the Exchange written notice of appeal within ten (10) days after the decision has been rendered.

(v) If a specialist unit's allocation in an option has been terminated pursuant to subsection (d)(i)(A) of this Rule, the specialist unit may not receive a specialist allocation in the terminated option(s) for a period not to exceed six months. If a specialist unit's allocation in an option(s) has been terminated pursuant to subsection (d)(i)(B) of this Rule, the specialist unit may not receive a specialist allocation in the terminated option(s) for a period not to exceed twelve months.

(e) Special Circumstance Evaluations. The Exchange may also conduct Special Circumstance Evaluations whenever there are circumstances that warrant such reviews. This includes, but is not limited to, where the Exchange believes that a specialist unit's performance in a particular market situation was so egregiously deficient as to call into question the Exchange's integrity or impair the Exchange's reputation for maintaining efficient, fair and orderly markets. Special Circumstance Evaluations may incorporate the same review methodology and procedures as established for routine Specialist Performance Evaluations or reviews of Minimum Performance Standards, although Special Circumstance Evaluations may instead or in addition examine such other matters related to a specialist unit's performance as the Exchange deems necessary and appropriate. After a Special Circumstance Evaluation the Exchange may after written notification remove and reallocate one or more securities that were allocated to such specialist unit.

(i) Special Circumstance Evaluations may also include, but are not limited to:

(A) An evaluation within the 180 day period after one or more option classes have been allocated by the Exchange to a specialist unit. Such evaluation will include consideration of whether the specialist unit is complying with the commitments that it made either orally at an appearance before the Exchange or on its written application. If the Exchange determines that the specialist unit has not complied

with any of the commitments that it made when applying for the options class including but not limited to commitments regarding capital, personnel and order flow, the specialist unit will be afforded 30 days in which to comply with such commitments and if it does not do so, the Exchange may, after written notice, remove and reallocate one or more securities that were allocated to such specialist unit.

(B) An evaluation within the 120 day period after a transfer (including a lease) of one or more options classes has become effective or when there has been a material change in the specialist unit. In cases where a head specialist has departed the unit, the evaluation shall also consider the background and ability of the successor head specialist. In the case where a transfer has been effected, the Exchange shall evaluate the performance of the specialist unit with respect to the newly acquired options classes. If the Exchange believes that such performance is inadequate, the specialist unit will be afforded 30 days in which to improve its performance after the Exchange indicates why the performance is inadequate and if it does not do so, the Exchange may, after written notice, remove and reallocate the transferred options classes.

(ii) An appeal to the Board of Directors from a decision of the Exchange pursuant to subsection (e) of this Rule may be requested by a specialist unit or specialist therein by filing with the Secretary of the Exchange written notice of appeal within ten (10) days after the decision has been rendered.

(iii) If a specialist unit's allocation in an option has been terminated pursuant to subsection (e) of this Rule, the specialist unit may not receive a specialist allocation in the terminated option(s) for a period not to exceed six months.

(f) Any appeal from a decision pursuant to Rule 511(d) or (e) shall be heard by a special committee of the Board of Directors composed of three (3) Directors, of whom at least one (1) shall be an Independent. The person requesting review may appeal by filing a written notice thereof with the Secretary of the Exchange within ten (10) days after a decision. The person requesting review shall be permitted to submit a written statement to and/or appear before this special committee. The Secretary of the Exchange shall certify the record of the proceeding, if any and the written decision and shall submit these documents to the special committee. The special committee's review of the action shall be based solely on the record, the written decision and any statement submitted by the person requesting the review. The special committee shall prepare and deliver to such person a written decision and reasons therefor. If the special committee affirms the action, the action shall become effective ten (10) days from the date of the special committee's decision. There shall be no appeal to the Board of Directors from any decision of the special committee.

• • • *Supplementary Material:* -----

**.01** For any extension of trading hours contiguous to an existing trading segment, the specialist privileges of the current specialist during that time should automatically and mandatorily be extended to cover the additional trading hours.

**.02** For additional non-contiguous trading segments in any security, or additional types of options, the existing specialist is to be given priority consideration in any allocation proceeding for specialist privileges during the additional time period or covering the additional options.

**.03** In the event the existing specialist applies for but is not granted specialist privileges during the additional trading segment in any security or for the trading of additional types of options, the Exchange shall, in a written decision, show cause for its determination to grant specialist privileges to another specialist.

**.04** Solely with respect to any extension of trading hours for any foreign currency option between the hours of 11 P.M. and 4:30 A.M. Philadelphia Time, a demarcation time shall be established whereby any extension of trading hours and associated specialist trading privileges prior to 3:20 A.M. shall be extended to the evening segment specialist and any extension of trading hours and associated specialist trading privileges after 3:40 A.M. shall be extended to the daytime segment specialist.

**.05** Reference to "specialist unit" within this Rule 511 means the unit as a whole or any subpart of its operation that is acting in a specialist capacity on the Exchange and is subject to evaluation. A specialist unit may have one or more individual "specialists."]

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