

## EXHIBIT 5 TO SR-CBOE-2009-098

(Changes are indicated by underlining additions and [bracketing deletions].)

**CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED**  
**FEES SCHEDULE**  
**[DECEMBER 1, 2009]JANUARY 4, 2010**

1.	OPTIONS TRANSACTION FEES (1)(3)(4)(7)(15):	PER CONTRACT
	<b>EQUITY OPTIONS (13):</b>	
	I. CUSTOMER.....	\$.00
	[CUSTOMER COMPLEX ORDER TAKING LIQUIDITY FROM COB – largest leg (12).....	\$.18]
	II. – VII. Unchanged.	
	<b>QQQQ and SPDR OPTIONS:</b>	
	I. CUSTOMER (9)	
	• QQQQ.....	\$.00
	• SPDR.....	\$.18
	[QQQQ CUSTOMER COMPLEX ORDER TAKING LIQUIDITY FROM COB - largest leg (12) ...	\$.18]
	II. VOLUNTARY PROFESSIONAL.....	\$.20
	III. CBOE MARKET-MAKER/DPM (standard rate, subject to sliding scale) (10).....	\$.20
	IV. MEMBER FIRM PROPRIETARY: (11).....	\$.20
	V. BROKER-DEALER (16)	
	[QQQQ.....	\$.25]
	• [SPDR] MANUAL.....	\$.25
	• [SPDR] ELECTRONIC.....	\$.45
	• AIM EXECUTIONS.....	\$.20
	VI. LINKAGE ORDERS (8).....	\$.30
	VII. CFLEX SURCHARGE FEE (17).....	\$.10
	<b>INDEX OPTIONS (includes ETF and HOLDRs options):</b>	
	I. CUSTOMER (2):	
	[OEX and XEO.....	\$.30]
	• SPX, PREMIUM > or = \$1.....	\$.44
	• SPX, PREMIUM < \$1.....	\$.35
	• [BXO,] DXL, [MVR, RUH,] <u>OEX, XEO, DVS</u> and VOLATILITY INDEXES.....	\$.40
	• OTHER INDEXES, ETFs and HOLDRs (9).....	\$.18
	II. VOLUNTARY PROFESSIONAL:	
	[XEO.....	\$.30]
	• [BXO,] DXL, [RUH,] <u>OEX, XEO, DVS</u> and VOLATILITY INDEXES.....	\$.40
	• OTHER INDEXES, ETFs AND HOLDRs.....	\$.20
	III. CBOE MARKET-MAKER/DPM (standard rate, subject to sliding scale) (10).....	\$.20
	IV. MEMBER FIRM PROPRIETARY: (11).....	\$.20
	V. BROKER-DEALER (16)	
	[OEX and XEO.....	\$.30]
	• <u>OEX, XEO, SPX, DVS and VOLATILITY INDEXES</u> .....	\$.40
	[IWM and MVR.....	\$.25]
	• OTHER INDEXES, ETFs and HOLDRs - MANUAL.....	\$.25
	• OTHER INDEXES, ETFs and HOLDRs - ELECTRONIC.....	\$.45
	• AIM EXECUTIONS.....	\$.20
	VI. SURCHARGE FEE: (14)	
	[OEX, XEO, SPX, BXO, RUH, and ]VOLATILITY INDEXES.....	\$[.06].08
	• <u>OEX, XEO, SPX, DVS, DJX and DXL</u> .....	\$.10
	• MNX, NDX and RUT.....	\$.15
	VII. LINKAGE ORDERS (8)(14).....	\$.30
	VIII. CFLEX SURCHARGE FEE (17).....	\$.10
	<b>CREDIT DEFAULT OPTIONS AND CREDIT DEFAULT BASKET OPTIONS:</b>	
	I. – V. Unchanged.	
	LIQUIDITY PROVIDER SLIDING SCALE (10):	Unchanged.
	MEMBER FIRM PROPRIETARY SLIDING SCALE (11):	Unchanged.

2. **MARKETING FEE (6)** Unchanged.

3. **FLOOR BROKERAGE FEE (1)(5)(15):**

• DXL, OEX and SPX INDEX OPTIONS.....	<b>\$.04</b>
• DXL, OEX and SPX CROSSED ORDERS.....	<b>\$.02</b>
• <u>VOLATILITY INDEX OPTIONS .....</u>	<b>\$.02</b>
• <u>VOLATILITY INDEX CROSSED ORDERS .....</u>	<b>\$.01</b>

4. **SPONSORED USER FEES** Unchanged.

**FOOTNOTES:**

(1) – (4) Unchanged.

(5) Charged to executing broker. [DPMs are assessed for agency and “book” executions (non-cust. orders).] If a market-maker executes an order for an account in which the market-maker is not a registered participant as reflected in Membership Department records, the market-maker will be assessed a floor brokerage fee. To be eligible for the discounted “crossed” rate, the executing broker acronym[,] and executing firm number [and order ID data] must be the same on both the buy and sell side of an order.

(6) The marketing fee will be assessed only on transactions of Market-Makers, e-DPMs, and DPMs, resulting from (i) customer orders from payment accepting firms, or (ii) customer orders that have designated a “Preferred Market-Maker” under CBOE Rule 8.13 at the per contract rate provided above on all classes of equity options, options on HOLDERS, options on ETFs, and index options; except that the marketing fee shall not apply to DJX, DXL, EEM, EWC, EWT, IWM, MNX, MVR, OEX, QQQQ, RSP, SPX, VIX, VPL, VVO, XBI, XEO, DVS, binary options, credit default options, and credit default basket options. The fee will not apply to: Market-Maker-to-Market-Maker transactions including transactions resulting from orders from non-member market-makers; transactions resulting from inbound P/A orders or a transaction resulting from the execution of an order against the DPM’s account if an order directly related to that order is represented and executed through the Linkage Plan using the DPM’s account; transactions resulting from accommodation liquidations (cabinet trades); and transactions resulting from dividend strategies, merger strategies, and short stock interest strategies as defined in footnote 13 of this Fees Schedule; and transactions in the Penny Pilot classes resulting from orders executed through the Hybrid Agency Liaison under Rule 6.14. A Preferred Market-Maker will only be given access to the marketing fee funds generated from a Preferred order if the Preferred Market-Maker has an appointment in the class in which the Preferred order is received and executed.

Rebate/Carryover Process. If less than 80% of the marketing fee funds collected in a given month is paid out by the DPM or Preferred Market-Maker in a given month, then the Exchange would refund such surplus at the end of the month on a pro rata basis based upon contributions made by the Market-Makers, e-DPMs, and DPMs in that month. However, if 80% or more of the funds collected in a given month is paid out by the DPM or Preferred Market-Maker, there will not be a rebate for that month unless the DPM or Preferred Market-Maker elects to have funds rebated. In the absence of such election, any excess funds will be included in an Excess Pool of funds to be used by the DPM or Preferred Market-Maker in subsequent months. The total balance of the Excess Pool of funds for a DPM or a Preferred Market-Maker cannot exceed \$100,000. If in any month the Excess Pool balance were to exceed \$100,000, the funds in excess of \$100,000 would be refunded on a pro rata basis based upon contributions made by the Market-Makers, DPMs, and e-DPMs in that month. In addition, in any month, a DPM or a Preferred Market-Maker can elect to have any funds in its Excess Pool refunded on a pro rata basis based upon contributions made by the Market-Makers, DPMs, and e-DPMs in that month.

Each month, the Exchange assesses an administrative fee of .45% on the total amount of the funds collected each month; provided, however, that beginning on October 1, 2007, no Market-Maker, e-DPM or DPM would contribute more than 15% of the total amount of funds raised by the .45% administrative fee

(7) [Cabinet trades are not assessed transaction fees.] After three months, all fees as assessed by the Exchange are considered final by the Exchange.

(8) – (10) Unchanged.

(11) The Member Firm Proprietary Sliding Scale applies to member firm proprietary orders (“F” origin code) in all products, except for orders of joint back-office (“JBO”) participants. The standard member firm proprietary per contract transaction fee shall be reduced to the fees shown on the sliding scale as the member firm reaches the volume thresholds shown on the sliding scale in a month. [Due to CBOE’s obligation to pay license fees on certain products, the Exchange will assess a ten cent per contract license fee (a total of 10 cents per contract less any surcharge fees already assessed) on all licensed products except MNX, NDX and RUT options when a firm reaches the fifth tier of the sliding scale. The Exchange will assess a fifteen (15) cent per contract license fee on MNX, NDX and RUT options transactions when a firm reaches the fifth tier of the sliding scale.] Each member firm is responsible for notifying the Membership Department of all of its member affiliations so that contracts of the firm and its affiliates may be aggregated for purposes of the sliding scale. The Exchange will aggregate the trading activity of separate member firms for purposes of the sliding scale if there is at least

75% common ownership between the firms as reflected on each firm's Form BD, Schedule A. A member firm's contracts executed pursuant to a CMTA agreement (i.e., executed by another clearing firm and then transferred to the member firm's account at the OCC) are aggregated with the member firm's non-CMTA contracts for purposes of the sliding scale.

- (12) [Customer complex orders that take liquidity from the complex order book are assessed this fee. The fee is charged only for the leg of the complex order consisting of the most contracts. An order takes liquidity when it interacts with a complex order residing on the complex order book. Customer complex orders that are providing liquidity, i.e., orders that are first on the complex order book, are not assessed the fee. The Exchange will determine the liquidity provider and the liquidity taker based on time, i.e., the order that arrives first on the complex order book is the liquidity provider. Customer complex orders that trade against orders in EBook or against the displayed individual series quotes will not be assessed the fee. Also, customer complex orders that rest in the complex order book before executing will not be assessed the fee.] Reserved.
- (13) On a pilot basis until March 1, 2010, market-maker, firm and broker-dealer transaction fees are capped at \$1,000 for all (i) dividend strategies, (ii) merger strategies and (iii) short stock interest strategies executed on the same trading day in the same options class. Such transaction fees for these strategies are further capped at [~~\$50,000~~] \$25,000 per month per initiating member or firm. License fees associated with these strategies will be passed through to trading participants on these strategies on a pro-rata basis. These license fees will not be included in the calculation of the \$1,000 per day per class fee cap or the [~~\$50,000~~] \$25,000 per month fee cap. Floor brokerage fees assessed on these strategies are eligible for a full rebate (see below). A dividend strategy is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed prior to the date on which the underlying stock goes ex-dividend. A merger strategy is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, i.e., cash or stock. A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class. To qualify transactions for the cap and floor brokerage fees rebate, a rebate request with supporting documentation must be submitted to the Exchange within 3 business days of the transactions.
- (14) - (15) Unchanged.
- (16) Broker-Dealer transaction fees apply to broker-dealer orders (orders with "B" origin code), non-member market-maker orders (orders with "N" origin code), [and] orders from specialists in the underlying security (orders with "Y" origin code) and certain orders with "F" origin code (orders from OCC members that are not CBOE members).
- (17) Unchanged.

## 5. POSITION TRANSFER FEE

\$0.02 per contract side\*

\* This fee is charged for options positions transferred pursuant to CBOE Rule 6.49A. The fee is capped at \$25,000 per transfer. For all on-floor transfers, both the position transferor (seller) and the transferee (buyer) are assessed a fee of \$.02 per contract with a cap of \$12,500 for each. If there are multiple transferees (buyers), each transferee is assessed a fee of \$.02 per contract up to the \$12,500 cap for the transferee side of the transfer package. For any off-floor transfer where regulatory review of a proposed transfer is solicited to determine whether the proposed transfer meets the off-floor transfer provisions of Rule 6.49A, the initiator of the review is assessed a fee of \$.02 per contract with a cap of \$25,000. If it is determined the position transfer must be affected on-floor, only the on-floor fee will be assessed.

6. - 7. Unchanged.

## 8. FACILITY FEES (per month):

A) - E) Unchanged.

F)	COMMUNICATIONS	MONTHLY FEE	INSTALLATION	RELOCATION	REMOVAL
	1. Unchanged.				
	2. SINGLE LINE:		[\$138.00]	[\$50.00]	[\$50.00]
	a) Maintenance	\$10.50			
	<b>[b] With Recorder Coupler</b>				
	Between Booths			75.00]	
	<b>[c] Within Booth</b>			25.00]	

3. - 9. Unchanged.

10. TRADING FLOOR TERMINAL RENTALS;

a) [ILX]Thomson/Other (Basic Service)	\$425	[\$175]	[\$225]	[\$125]
(i) With addition of NYSE Open Book		\$62.50 (for ILX) 50.00 (for Other)]		
b) Floor Broker Workstation (FBW)	200 (per login ID)			
c) Satellite TV	35	[500]		
d) PAR Workstation	100			

**9. TRADE PROCESSING SERVICES:**

Matched & Unmatched Data \$.0025 per contract side

[A] Electronic Output:	Amount
1. Matched & Unmatched Data (per contract side)	\$.0025
2. Informational Data:	
Firm & Broker Files	10/month/file
Valid Series File/Updates	30/month
3. Time & Sales Data	175/month
4. Brokerage Report:	
Monthly Report	100/month
Daily Report	250/month]

[B] Electronic Input Services:	
Market Maker Handheld Terminal Input:	
Non-CBOE Handheld Terminal	.05/record]

[C] Market Maker Paper Ticket Fees  
\$.35 per paper trade submission if monthly terminal trades are less than 85%.]

10. Unchanged.

**11. MEMBERSHIP APPLICATION FEES\*\*:**

A) Individual (Owner/Nominee/Lessee/Lessor)	\$2,500
B) Joint Account (new joint account)	1,000
C) Non-Member Customer Business	[1,000]2,500
D) Order Service Firm	1,650
E) Associated Person	350
F) Trading Firm Application	4,000
G) Lessor Firm Application	[1,000]2,000
H) Renewal/Change of Status	[250]500
I) Membership Transfer into Trust	1,000
J) New Member Orientation and Exam	500
K) Lease Application	600
L) Subject to Statutory Disqualification	2,750
M) Rule 19h- Change in Status	1,650
N) Inactive Nominee Status (Per Quarter – Parking Space)	750
O) Inactive Nominee Status Change (Seat Swap):	
1. Submission before 4pm on the day prior to effective date	50
2. Submission after 4pm on the day prior to effective date	100
3. Submission after 8am on the effective date	200
P) Fingerprint Processing Fee	50
Q) Seat Transfer Fee	500
R) Trading Firm Renewal Fee	2,000

\*\* Application fees related to a member organization's structural change are capped at \$10,000 (e.g. change from a limited partnership to a limited liability corporation). The Seat Transfer Fee is capped at \$2,000 for a seat transfer request covering multiple seats.

**12. REGULATORY FEES:**

A) Unchanged.

[B] FOCUS Filing Fee - Electronic filing 50  
- Paper filing 150]

[C]B) DPM's & Firm Designated Examining Authority Fee Unchanged.

[D]C) Web CRD<sup>SM</sup> Fees: Unchanged.

[E]D) Communication Review Fee Unchanged.

[F]E) Continuing Education Fee: Unchanged.

13. [FLOOR BROKERAGE PAYMENT PROGRAM \$0.50 per credit] Reserved.

14. Unchanged.

15. MISCELLANEOUS:

[Periodic license or royalty fees for DPM-traded products - CBOE costs passed-through to DPM ]  
Member Death Benefit (calculated @ \$50,000 divided by number of members assessed)  
Trading Floor Printer Maintenance (Per Month) \$75  
[Exchange Bulletin Subscription (Annual) \$200 per hard copy subscription; no charge for electronic delivery]  
Late Payment Penalty (Assessed to balances over 30 days old, per month, compounded) prime rate  
Market Maker Failure to Change Appointment or Failure to meet  
in-person Trading Requirements (allowed 1 warning letter before fee) \$250 per quarter  
ABIL Brokerage Billing \$.005 per contract, minimum \$50, maximum \$200 per month  
ORS Analysis, Floor Efficiency Project or Market Penetration Reports \$100 per month  
Ad Hoc Information Services Requests Production Costs  
DPM requests for post modifications/equipment CBOE costs passed-through  
Crowd Space Dispute Resolution Hearing Fee (per hearing, per member)\* \$1,000  
[CFLEX Log-In Fee \$100 per log-in per month, capped at 5 log-ins per member organization]  
Manual appointment change request \$50

\* The Crowd Space Dispute Resolution Hearing Fee is \$1,000 per hearing for each party to the dispute and will escalate under certain circumstances pursuant to CBOE Rule 24.21(e). After the hearing is held and all rights of appeal are exhausted, the prevailing party in dispute shall obtain a refund of the Hearing Fee from the Exchange.

16. CBOE *direct* CONNECTIVITY CHARGES:

- Network Access Port..... \$40/month
- Network Access Port/Sponsored User ..... \$80/month
- CMI Client Application Server ..... \$40/month
- CMI Client Application Server/Sponsored User..... \$80/month
- FIX Port..... \$40/month
- FIX Port/Sponsored User ..... \$80/month

[CIRCUIT CHARGE:

- I. CBOE MANAGED NETWORK – If using the CBOE managed network, pick a bandwidth amount to determine the monthly charge. If using an existing FIRM supplied TCP/IP, skip to III.

One-time setup charge: ..... \$500

Network							
Connection	128kb	256kb	384kb	512kb	768kb	1000kb	T1
Monthly Charge	\$1,300	\$1,400	\$1,500	\$1,600	\$1,900	\$2,000	\$2,500

III. Ongoing Hardware/Software Charges (monthly)\*\*

- CMI..... \$900\*
- FIX 4.2 ..... 600

\*Charges increase \$50 per additional terminal.

\*\*Effective October 1, 2003, these monthly fees are waived for all connections to CBOE *direct* for the purpose of using the Hybrid Trading System. ]

17. HYBRID FEES:

• Quoting Infrastructure User Fee .....	<b>\$150</b>
• TickerXpress (TX) User Fee (effective April 1, 2007)	
• TX Software Fee .....	<b>100</b>
• Enhanced TX User Fee .....	<b>300</b>
• [CBOE <i>direct</i> Connectivity Fees .....	<b>0]</b>
• Co-location of Equipment Fee (per "U" – 1.75 inches) .....	<b>10</b>
• Co-location of Equipment Fee (per "U" – 1.75 inches)/Sponsored User.....	<b>20</b>
• Hybrid Electronic Quoting Fee .....	<b>450*</b>

\* Unchanged.

## 18. CUSTOMER LARGE TRADE DISCOUNT

A customer large trade discount program in the form of a cap on customer ("C" origin code) transaction fees is in effect for the options set forth below. Floor brokerage fees are not subject to the cap on fees. Qualification of an order for the fee cap is based on the trade date and order ID on each trade record. For complex orders, the total contracts of an order (all legs) are counted for purposes of calculating the fee cap.

Regular customer transaction fees will only be charged up to the following quantity of contracts per order, for the following options:

- SPX – charge only the first 10,000 contracts
- [Volatility indexes – charge only the first 7,500 contracts]
- Other index options – charge only the first 5,000 contracts
- ETF and HOLDRs options – charge only the first 3,000 contracts

**Remainder of Fees Schedule** – Unchanged.

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**EXHIBIT 5 TO SR-CBOE-2009-098 (Continued)**(Changes are indicated by underlining additions and [bracketing deletions].)**Regulatory Circular RG [08-27] \_\_\_\_\_****Date: [February 13, 2008] \_\_\_\_\_****To: Members and Applicants for Membership****From: Membership Department****Re: Membership Application and Other Membership Fees**

The following is a list of the Exchange's membership application fees and other membership fees, together with a brief explanation of each fee, revised to include the Trading Firm Renewal Fee:

**List of Fees**

Individual Applicant Fee (Owner/Nominee/Lessee/Lessor) .....	\$2,500
New Member Orientation & Exam Fee .....	\$500
Trading Firm Application Fee (Corporation/Partnership/LLC) .....	\$4,000
Trading Firm Renewal Fee (Corporation/Partnership/LLC) .....	\$2,000
Lessor Firm Fee (Corporation/Partnership/LLC).....	<del>[\$1,000]</del> <u>2,000</u>
Associated Person Fee .....	\$350
Fingerprint Processing Fee.....	\$50
Lease Fee.....	\$600
Renewal/Change of Status Fee .....	<del>[\$250]</del> <u>500</u>
Inactive Nominee Status Change (Seat Swap) Fee	
Submission before 4:00 p.m. on date prior to effective date .....	\$50
Submission after 4:00 p.m. on date prior to effective date	
or before 8:00 a.m. on effective date .....	\$100
Submission after 8:00 a.m. on effective date.....	\$200
Inactive Nominee Status (Parking Space) Quarterly Maintenance Fee .....	\$750
Joint Account Application Fee.....	\$1,000
Seat Transfer Fee .....	\$500
Membership Transfer into Trust Fee .....	\$1,000
Non-member Customer Business Fee .....	<del>[\$1,000]</del> <u>2,500</u>
Order Service Firm Fee .....	\$1,650
Applicant/Member/Associated Person Subject to	
Statutory Disqualification.....	\$2,750
Change in Status that, if Approved, Would Require Amended	
or Additional Rule 19h-1(c) Filing .....	\$1,650

**ALL FEES ARE NON-REFUNDABLE AND MUST ACCOMPANY APPLICATIONS**

**Individual Applicant Fee (Owner/Nominee/Lessee/Lessor)** - This fee is payable by a new individual applicant for membership on the Exchange. The applicant's Fingerprint Processing Fee is included as part of this fee.

**New Member Orientation & Exam Fee** - This fee is payable by each applicant seeking membership, which requires a trading function.

**Trading Firm Application Fee (Corporation/Partnership/LLC)** - This fee is payable by a new firm applicant for membership on the Exchange. This fee encompasses the Firm Application and related documentation, one Nominee Individual Application Fee associated with the Firm Application, and Associated Person(s) Fees that are part of this Firm Application.

**Trading Firm Renewal Fee (Corporation/Partnership/LLC)** - This fee is payable by a former trading firm member that reapplies for membership within 9 months of their membership termination date and becomes an effective member within 1 year of their membership termination date. This fee encompasses the Firm Application and related documentation and one Nominee who is either (i) an existing individual member desiring to change membership status or (ii) a former individual member who reapplies for membership within 9 months of their membership termination date and becomes an effective member within 1 year of their membership termination date.

**Lessor Firm Fee (Corporation/Partnership/LLC)** - This fee is payable by each lessor-only firm applicant for membership on the Exchange.

**Associated Person Fee** - The Associated Person Fee is payable for the addition of certain individuals on a Member Firm's Form BD. This fee includes the related Fingerprint Processing Fee. This Fee is payable by each executive officer, general partner, or LLC Manager. Additionally, this Fee is payable by each principal shareholder (5% or more direct ownership of a class of a voting security of a Member Firm corporation), limited partner who has the right to receive upon dissolution, or has contributed, 5% or more of the partnership's capital, and LLC member who has the right to receive upon dissolution, or has contributed, 5% or more of the LLC's capital. This Fee is also payable by any person classified as a "Control Person" of the Member Firm.

**Fingerprint Processing Fee** - This Fee will be assessed for employees of members and any other individual requesting the Exchange to process a fingerprint, electronically or otherwise, excluding fingerprint requirements for Individual Applicants, individuals applying for Renewal/Change of Status, and Associated Persons.

**Lease Fee** - The lease fee is payable by the lessee and must accompany every new lease agreement filed with the Exchange.

**Renewal/Change of Status Fee** - This fee is payable (i) by an existing individual member desiring to change membership status or (ii) by a former individual member who reapplies for membership within 9 months of their membership termination date and becomes an effective member within 1 year of their membership termination date. A former individual member who reapplies for membership within 9 months of termination from membership will be assessed the Renewal/Change of Status fee at the time of submission of the application. If that person becomes an effective member more than 1 year after their membership termination date, the person will then be charged an additional fee equal to the difference between the Individual Application Fee and the Renewal/Change of Status fee. This Fee includes the related Fingerprint Processing Fee, if applicable.

**Inactive Nominee Status Change (Seat Swap) Fee** - This fee is payable whenever an inactive nominee moves to active status. The amount of this fee varies in accordance with when the Membership Department receives notice of the status change via the submission of a Notification of Change in Nominee Status Form. If the Notification Form is submitted before 4:00 p.m. on the date prior to the effective date of the status change, the fee is \$50. If the Notification Form is submitted after 4:00 p.m. on the date prior to the effective date of the status change or before 8:00 a.m. on the effective date of the status change, the fee is \$100. If the Notification Form is submitted after 8:00 a.m. on the effective date of the status change, the fee is \$200. No fee applies to moves from active to inactive status.

**Inactive Nominee Status (Parking Space) Quarterly Maintenance Fee** - This fee is payable quarterly by a member firm for each inactive nominee status that the firm wishes to maintain. (e.g., a member firm desiring the ability to have 3 parking spaces within which to designate inactive nominees would pay this fee at the beginning of each quarter for each of the 3 parking spaces.)

**Joint Account Application Fee** - This fee is payable for each application to establish a new joint account.

**Seat Transfer Fee** - This Fee is assessed to a Member for each transferable Seat for which the Membership Committee has received a request for transfer under CBOE Rule 3.14. There is a \$2,000 Fee cap for a request covering multiple Seats per transfer.

**Membership Transfer into Trust Fee** - This fee is payable by every individual member applying to transfer their membership(s) into trust pursuant to CBOE Rule 3.25.

**Non-Member Customer Business Fee** - This fee is payable by applicant firms that plan to conduct a public customer business.

**Order Service Firm Fee** - This fee is payable by applicant firms that plan to conduct an order service business pursuant to CBOE Rule 6.77.

**Applicant/Member/Associated Person Subject to Statutory Disqualification** - This fee is payable whenever a person or entity is subject to a statutory disqualification under the Securities Exchange Act of 1934 and: (i) is an applicant for Exchange membership, (ii) is seeking to be an associated person of an Exchange member (except where the Exchange is merely asked to concur in an SEC Rule 19h-1 filing by another self regulatory organization), or (iii) is an existing Exchange member or associated person who makes an application in accordance with Rule 3.18(b) or with respect to whom a proceeding is initiated pursuant to Rule 3.18. This fee is in addition to any other membership fees that might be applicable.

**Change in Status that, if Approved, Would Require Amended or Additional SEC Rule 19h-1(c) Filing** - This fee is payable whenever a person or entity, on whose behalf the Exchange has filed a Rule 19h-1(c) filing that has been approved by the SEC, applies for a change in status that requires the Exchange to file an amended or additional Rule 19h-1(c) filing, if the Exchange approves the requested change in status. This fee is in addition to any other membership fees that might be applicable.

**Cap on Membership Fees for Organizational Restructuring** - Membership application fees and other membership fees related to a member organization structural change (e.g., a change from a limited partnership to a limited liability company) are capped at \$10,000.

Any questions regarding this Regulatory Circular may be directed to Regina Millison at (312) 786-7452 or Stan Leimer at (312) 786-7299 in the Membership Department.

(Regulatory Circular RG08-[11]27 Revised).

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