

Regulatory Circular RG16-001

Date: January 5, 2016

To: Trading Permit Holders

From: Market Operations Department

RE: Restrictions on Transactions in Adjusted Ampio Pharmaceuticals Inc. (AMPE1)

Effective January 5, 2016, Ampio Pharmaceuticals Inc. (AMPE) announced a distribution of shares in which part of the deliverable, (New) Aytu BioSciences, Inc., will be listed on the OTC Market. Therefore, adjusted Ampio Pharmaceuticals options (AMPE1) will be subject to restrictions.

Trading on CBOE in existing series of AMPE1 options will be subject to the following restrictions. Only closing transactions may be affected in any series AMPE1 options except for (i) opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and (ii) opening transactions by CBOE TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with CBOE Rule 6.74(b) or (d).

The execution of opening transactions in AMPE1 options, except as permitted above, and/or the misrepresentation as to whether an order is opening or closing, will constitute a violation of CBOE rules, and may result in disciplinary action. TPH organizations should ensure that they have appropriate procedures in place to prevent their customers from entering opening orders in this restricted option class. In addition, transactions in contravention of this restriction may be subject to nullification pursuant to Exchange Rule 6.25.

There are no restrictions in place with respect to the exercise of AMPE1 options.

Any questions regarding this circular may be directed to the Market Services Department at marketservices@cboe.com and by telephone (312) 786-7950 or the Regulatory Interpretations and Guidance team at RegInterps@cboe.com and by telephone at (312) 786-8141.

CBOE restricted class memos can be accessed from CBOE.org at the following web address: <http://www.cboe.org/Restrictions>.