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SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549
Form 19b-4

File No. * SR 2026 - * 079

Amendment No. (req. for Amendments *)

Filing by Cboe Exchange, Inc.

Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934

Initial * ☒	Amendment * ☐	Withdrawal ☐	Section 19(b)(2) * ☐	Section 19(b)(3)(A) * ☒	Section 19(b)(3)(B) * ☐
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Pilot

☐Extension of Time Period for
Commission Action *☐

Date Expires *

Rule

☐

19b-4(f)(1)

☐

19b-4(f)(4)

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19b-4(f)(2)

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19b-4(f)(5)

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19b-4(f)(3)

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19b-4(f)(6)

Notice of proposed change pursuant to the Payment, Clearing, and Settlement Act of 2010

Section 806(e)(1) *

☐

Section 806(e)(2) *

☐Security-Based Swap Submission pursuant to the
Securities Exchange Act of 1934

Section 3C(b)(2) *

☐

Exhibit 2 Sent As Paper Document

☐

Exhibit 3 Sent As Paper Document

☐**Description**

Provide a brief description of the action (limit 250 characters, required when Initial is checked *).

The Exchange proposes to amend its Fees Schedule.

Contact Information

Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the action.

First Name * Sarah Last Name * Tadtman

Title * Assistant General Counsel

E-mail * stadtman@cboe.com

Telephone * (913) 815-7203

Fax

SignaturePursuant to the requirements of the Securities Exchange of 1934, Cboe Exchange, Inc.
has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized.

Date 10/01/2026

(Title *)

By Laura G. Dickman

(Name *)

VP, Associate General Counsel

NOTE: Clicking the signature block at right will initiate digitally signing the form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.

Laura Dickman

Date: 2026.10.01
08:30:00 -05'00'

Required fields are shown with yellow backgrounds and astericks.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EDFS website.

Form 19b-4 Information *

Add	Remove	View
C1-26-079 19b-4 (October 2026 Optio		

The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.

Exhibit 1 - Notice of Proposed Rule Change *

Add	Remove	View
C1-26-079 Exhibit 1 (October 2026 O		

The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

Exhibit 1A - Notice of Proposed Rule Change, Security-Based Swap Submission, or Advanced Notice by Clearing Agencies *

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The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

Exhibit 2- Notices, Written Comments, Transcripts, Other Communications

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Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.

☐

Exhibit Sent As Paper Document

Exhibit 3 - Form, Report, or Questionnaire

Add	Remove	View

Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.

☐

Exhibit Sent As Paper Document

Exhibit 4 - Marked Copies

Add	Remove	View

The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.

Exhibit 5 - Proposed Rule Text

Add	Remove	View
C1-26-079 Exhibit 5 (September 2026		

The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change

Partial Amendment

Add	Remove	View

If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.

Item 1. Text of the Proposed Rule Change

(a) Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to amend its Fees Schedule to (i) replace the fixed, premium-based transaction fees applicable to Customer, Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders executed electronically and removing liquidity in Mini-S&P 500 Index (“XSPBX”) binary options with a tier-based constant transaction fee methodology applicable to Index Binaries, as defined in new footnote 55, while retaining the existing per-contract transaction fees for Cboe Options Market-Maker/DPM/LMM liquidity-adding and manual orders, and (ii) add Investors Exchange LLC (“IEX”) to fee code RD. The text of the proposed rule change is provided in Exhibit 5.

(b) Not applicable.

(c) Not applicable.

Item 2. Procedures of the Self-Regulatory Organization

(a) The Exchange’s President (or designee) pursuant to delegated authority approved the proposed rule change on September 30, 2026.

(b) Please refer questions and comments on the proposed rule change to Pat Sexton, Executive Vice President, General Counsel, and Corporate Secretary, (312) 786-7467, or Sarah Tadtman, (913) 424-2970, Cboe Exchange, Inc., 433 West Van Buren Street, Chicago, Illinois 60607.

Item 3. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The Exchange proposes to amend its Fees Schedule, effective October 1, 2026, to (1) amend the Binary Options¹ rate table to replace the fixed, premium-based transaction fees currently applicable to XSPBX options with a tier-based constant transaction fee methodology applicable to Index Binaries² for Customer, Clearing Trading Permit Holder Proprietary,³ Broker-Dealer⁴ (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM⁵ orders

¹ The term “Binary Option” means an option contract having an exercise settlement amount that is established at the creation of an option and only two possible payoff outcomes: either a fixed amount equal to the exercise payout amount or nothing at all. See Cboe Rule 1.1.

² The Exchange proposes to adopt new footnote 55, as described below, which provides that Index Binaries include XSPBX, and to append footnote 55 to each “Index Binaries” product designation in the proposed Rate Table – Binary Options. For purposes of the Fees Schedule, “Index Binaries” are binary index options, as defined in Rule 4.70, that are listed for trading on the Exchange and identified in footnote 55. As proposed, footnote 55 identifies only binary options that overlie the Mini-S&P 500 Index (“XSPBX”). The Exchange anticipates adding other binary index options to footnote 55 in future amendments to the Fees Schedule as it plans to list binary index options on additional indexes. Each such amendment will be the subject of a separate rule filing submitted to the Commission pursuant to Section 19(b) of the Act and Rule 19b-4 thereunder.

³ “Clearing Trading Permit Holder Proprietary” orders are orders for an OCC clearing member firm proprietary account (capacity “F”) and orders for the account of a non-Trading Permit Holder Affiliate of a Clearing Trading Permit Holder (capacity “L”). See Cboe Rule 1.1 (definition of “Capacity”). A “Clearing Trading Permit Holder” is a Trading Permit Holder that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the Rules of the Clearing Corporation and is self-clearing or that clears transactions for other Trading Permit Holders. See Cboe Rule 1.1. A “non-Trading Permit Holder Affiliate” is a 100% wholly owned affiliate or subsidiary of a Clearing Trading Permit Holder that is registered as a United States or foreign broker-dealer and that is not a Trading Permit Holder. See Fees Schedule, footnote 11.

⁴ “Broker-Dealer” orders are orders for the account of a broker or dealer, including a Foreign Broker-Dealer (capacity “B”). See Rule 1.1 (definition of “Capacity”). A “broker-dealer” is a Trading Permit Holder, a non-Trading Permit Holder broker or dealer in securities (including a foreign broker-dealer), or a joint venture with a Trading Permit Holder and non-Trading Permit Holder participants. See Rule 1.1. Broker-Dealer transaction fees apply to broker-dealer orders (capacity “B”), non-Trading Permit Holder market-maker orders (capacity “N”), and certain orders with “F” or “L” capacity codes (i.e., orders from OCC numbers that are not from Cboe Options Trading Permit Holders or are not registered with the Exchange). See Fees Schedule, footnote 16.

⁵ Cboe Options Market-Maker/DPM/LMM” orders are orders for the account of a Market-Maker (capacity “M”), including a Designated Primary Market-Maker (“DPM”) or Lead Market-Maker (“LMM”). See Cboe Rule 1.1 (definition of “Capacity”). A “Market-Maker” is a Trading Permit

executed electronically and removing liquidity, while retaining the existing per-contract transaction fees for Cboe Options Market-Maker/DPM/LMM liquidity-adding and manual orders, together with new footnote 55; and (2) add IEX to fee code RD⁶ within the Routing Fees section of the Fees Schedule.

Index Binaries Transaction Fees

The Fees Schedule currently includes a Rate Table – Binary Options, which sets forth transaction fees for XSPBX options. The current table assesses fixed per-contract transaction fees that vary by capacity and across seven premium ranges (less than \$0.04; \$0.04 – \$0.09; \$0.10 – \$0.24; \$0.25 – \$0.75; \$0.76 – \$0.90; \$0.91 – \$0.96; and greater than \$0.96). Specifically, Customer orders are assessed \$0.04 (fee code D1),⁷ \$0.08 (fee code D2),⁸ \$0.20 (fee code D3),⁹ and \$0.30 (fee code D4)¹⁰ per contract, with the fee increasing as the premium approaches \$0.50 and decreasing symmetrically as the premium

Holder registered with the Exchange pursuant to Rule 3.52 for the purpose of making markets in option contracts traded on the Exchange and that has the rights and responsibilities set forth in Chapter 5, Section D of the Rules. A “DPM” is a TPH organization that is approved by the Exchange to function in appointed securities as a Market-Maker per trading session and is subject to the obligations under Cboe Rule 5.54 or as otherwise provided under the Rules. See Rules 1.1 and 3.53. An “LMM” is a Market-Maker in good standing with an appointment in a class for which a DPM has not been appointed that the Exchange has designated as a Lead Market-Maker. See Rules 1.1 and 3.55.

⁶ Fee code RD is appended to Customer orders routed to NYSE American LLC (“AMEX”), BOX Exchange LLC (“BOX”), Cboe EDGX Exchange, Inc. (“EDGX”), Miami International Securities Exchange, LLC (“MIAX”), MIAX Pearl, LLC (“MX2”), MIAX Sapphire, LLC (“SPHR”), or Nasdaq PHLX LLC (“PHLX”) (excluding orders in SPY options routed to PHLX), as well as ETF and Equity options, and is assessed a charge of \$0.25 per contract.

⁷ Fee code D1 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price less than \$0.04 or greater than \$0.96 and assesses a fee of \$0.04 per contract.

⁸ Fee code D2 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price of \$0.04 to \$0.09 or \$0.91 to \$0.96 and assesses a fee of \$0.08 per contract.

⁹ Fee code D3 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price of \$0.10 to \$0.24 or \$0.76 to \$0.90 and assesses a fee of \$0.20 per contract.

¹⁰ Fee code D4 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price of \$0.25 to \$0.75 and assesses a fee of \$0.30 per contract.

approaches \$0.00 or \$1.00. Clearing Trading Permit Holder Proprietary and Broker-Dealer orders (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional orders) are assessed \$0.10 (fee code N1),¹¹ \$0.15 (fee code N2),¹² \$0.25 (fee code N3),¹³ and \$0.35 (fee code N4)¹⁴ per contract across the same premium ranges. Cboe Options Market-Maker/DPM/LMM orders are assessed \$0.10 (fee code H1),¹⁵ \$0.15 (fee code H2),¹⁶ \$0.25 (fee code H3),¹⁷ and \$0.35 (fee code H4)¹⁸ per contract across the same premium ranges when executed electronically and taking liquidity, \$0.05 per contract (fee code HA)¹⁹ when executed electronically and adding liquidity, and \$0.15 per contract (fee code HM)²⁰ when executed manually.

¹¹ Fee code N1 is appended to all Clearing Trading Permit Holder (capacity “F”), non-Clearing Trading Permit Holder Affiliate (capacity “L”), Broker-Dealer (capacity “B”), Joint Back-Office (capacity “J”), non-Trading Permit Holder Market-Maker (capacity “N”), and Professional (capacity “U”) (collectively, “non-Customer, non-Market-Maker”) orders in XSPBX with a premium price less than \$0.04 or greater than \$0.96 and assesses a fee of \$0.10 per contract.

¹² Fee code N2 is appended to all non-Customer, non-Market-Maker orders in XSPBX with a premium price of \$0.04 to \$0.09 or \$0.91 to \$0.96 and assesses a fee of \$0.15 per contract.

¹³ Fee code N3 is appended to all non-Customer, non-Market-Maker orders in XSPBX with a premium price of \$0.10 to \$0.24 or \$0.76 to \$0.90 and assesses a fee of \$0.25 per contract.

¹⁴ Fee code N4 is appended to all non-Customer, non-Market-Maker orders in XSPBX with a premium price of \$0.25 to \$0.75 and assesses a fee of \$0.35 per contract.

¹⁵ Fee code H1 is appended to all electronic Cboe Options Market-Maker/Designated Primary Market-Maker (“DPM”)/Lead Market-Maker (“LMM”) (collectively, “Market-Maker”) (capacity “M”) orders in XSPBX taking liquidity with a premium price less than \$0.04 or greater than \$0.96 and assesses a fee of \$0.10 per contract.

¹⁶ Fee code H2 is appended to all electronic Market-Maker (capacity “M”) orders in XSPBX taking liquidity with a premium price of \$0.04 to \$0.09 or \$0.91 to \$0.96 and assesses a fee of \$0.15 per contract.

¹⁷ Fee code H3 is appended to all electronic Market-Maker (capacity “M”) orders in XSPBX taking liquidity with a premium price of \$0.10 to \$0.24 or \$0.76 to \$0.90 and assesses a fee of \$0.25 per contract.

¹⁸ Fee code H4 is appended to all electronic Market-Maker (capacity “M”) orders in XSPBX taking liquidity with a premium price of \$0.25 to \$0.75 and assesses a fee of \$0.35 per contract.

¹⁹ Fee code HA is appended to all Market-Maker (capacity “M”) orders in XSPBX that add liquidity and that are executed electronically, and assesses a fee of \$0.05 per contract.

²⁰ Fee code HM is appended to all Market-Maker (capacity “M”) orders in XSPBX that are executed manually (i.e., open outcry) and assesses a fee of \$0.15 per contract.

The Exchange proposes to amend the Rate Table – Binary Options to replace the fixed, premium-based transaction fees currently applicable to XSPBX options with a tier-based constant transaction fee methodology applicable to “Index Binaries,” under which transaction fees for Customer, Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders executed electronically and removing liquidity, will be calculated using the following formula:

$$\text{Transaction Fee} = ((k * p * (1 - p) * c) * m)$$

where k is the tier-based constant for the applicable capacity; p is the contract price (\$0.01 – \$1.00); c is the number of contracts traded; and m is the contract multiplier (i.e., 100).

The proposed tier-based constants (k) are as follows:

- Customer (capacity code C): 1.2% (fee code HC);
- Clearing Trading Permit Holder Proprietary, Broker-Dealer, Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional (capacity codes F, L, B, N, U, and J): 1.4% (fee code HD); and
- Cboe Options Market-Maker/DPM/LMM (capacity code M), Electronic, Removing Liquidity: 1.4% (fee code HB).

Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity and executed manually will continue to be assessed flat per-contract transaction fees of \$0.05 (fee code HA) and \$0.15 (fee code HM), respectively, which are unchanged from the current fees. The Exchange also proposes to adopt new footnote 55, which provides that “Index Binaries include XSPBX,” and to append footnote 55 to each

“Index Binaries” product designation in the new rate table. XSPBX will therefore continue to be the only binary option subject to the rate table following the proposed change.

Under the proposed methodology, the transaction fee for an Index Binary is a function of $p*(1-p)$, which is greatest when the contract price is \$0.50 and declines symmetrically as the contract price approaches \$0.00 or \$1.00. The proposed methodology therefore preserves the general shape of the current premium-range fee structure, under which the highest fees apply to contracts priced near \$0.50 and the lowest fees apply to contracts priced near \$0.00 or \$1.00, while replacing seven discrete premium ranges with a continuous calculation based on the actual contract price. The proposed constants are calibrated so that the maximum per-contract fee for each capacity is unchanged. For example, a Customer executing one contract at a price of \$0.50 would be assessed $((0.012 \times 0.50 \times 0.50 \times 1) \times 100) = \0.30 , which is identical to the current \$0.30 fee applicable to Customer orders priced between \$0.25 and \$0.75 (fee code D4). Similarly, a Clearing Trading Permit Holder Proprietary order executing one contract at \$0.50 would be assessed $((0.014 \times 0.50 \times 0.50 \times 1) \times 100) = \0.35 , identical to the current \$0.35 fee applicable to such orders priced between \$0.25 and \$0.75 (fee code N4). At other contract prices, the fee under the proposed methodology will generally be lower than the fee currently assessed for the applicable premium range. For example, a Customer order executing one contract at \$0.25 would be assessed \$0.225 rather than \$0.30; at \$0.10, \$0.108 rather than \$0.20; and at \$0.02, approximately \$0.024 rather than \$0.04. A Clearing Trading Permit Holder Proprietary order executing one contract at \$0.25 would be assessed approximately \$0.26 rather than \$0.35; at \$0.10, \$0.126 rather than \$0.25; and at \$0.02, approximately \$0.027 rather than \$0.10. Because the proposed fee is calculated continuously rather than by

premium range, the fee for contracts priced at the upper end of a current premium range may be modestly higher than the current fixed fee for that range (e.g., a Customer order executing one contract at \$0.24 would be assessed approximately \$0.219 rather than \$0.20), but will never exceed the current maximum per-contract fee for the applicable capacity.

The following examples illustrate the per-contract transaction fee that would be assessed under the proposed methodology for a single contract (i.e., $c = 1$ and $m = 100$) at various contract prices, by capacity:

Contract Price	Customer (k = 1.2%)	Clearing Proprietary, JBO, Non-TPH MM, Professional (k = 1.4%)	TPH Broker-Remove (k = 1.4%)	Cboe Options Market-Maker/DPM/LMM Electronic Remove (k = 1.4%)
\$0.01	\$0.01188	\$0.01386		\$0.01386
\$0.05	\$0.05700	\$0.06650		\$0.06650
\$0.10	\$0.10800	\$0.12600		\$0.12600
\$0.25	\$0.22500	\$0.26250		\$0.26250
\$0.50	\$0.30000	\$0.35000		\$0.35000
\$0.75	\$0.22500	\$0.26250		\$0.26250
\$0.90	\$0.10800	\$0.12600		\$0.12600
\$0.99	\$0.01188	\$0.01386		\$0.01386

At each contract price, Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity would continue to be assessed \$0.05 per contract (fee code HA), and Cboe Options Market-Maker/DPM/LMM orders executed manually would continue to be assessed \$0.15 per contract (fee code HM). Because the transaction fee is calculated on a per-contract basis, the total fee for an execution of multiple contracts equals the applicable per-contract fee multiplied by the number of contracts traded. For example,

a Customer order executing ten contracts at a contract price of \$0.25 would be assessed $((0.012 \times 0.25 \times 0.75 \times 10) \times 100) = \2.25 .

The Exchange believes that the proposed methodology will simplify and add transparency to binary option pricing on the Exchange by applying a single, objective calculation based on the contract price in place of multiple premium ranges, and will more closely align the transaction fee with the price of the contract at the time of execution. Additionally, by applying the new rate table to Index Binaries as a category, as defined in new footnote 55, the Exchange will be able to apply a consistent fee methodology across index binary options. Any future addition of a product to the definition of Index Binaries in footnote 55 would be the subject of a separate rule filing.

Addition of IEX to Fee Code RD

The Exchange assesses fees in connection with orders routed away to various options exchanges. The Fees Schedule currently lists fee codes and their corresponding transaction fees for certain Customer orders routed to other options exchanges. Currently, under the Routing Fees section of the Fees Schedule, fee code RD is appended to Customer orders routed to AMEX, BOX, EDGX, MIAX, MX2, SPHR, or PHLX (excluding orders in SPY options routed to PHLX), as well as ETF and Equity options, and assesses a charge of \$0.25 per contract.

The Exchange's current approach to routing fees is to set forth in a simple manner certain sub-categories of fees that approximate the cost of routing to other options exchanges based on the cost of transaction fees assessed by each venue as well as costs to the Exchange for routing (i.e., clearing fees, connectivity and other infrastructure costs, membership fees, etc.) (collectively, "Routing Costs"). The Exchange monitors the fees

charged as compared to the costs of its routing services and adjusts its routing fees and/or sub-categories to ensure that the Exchange's fees result in a rough approximation of overall Routing Costs, and are not significantly higher or lower in any area. Other options exchanges assess routing fees in a similar manner.

The Exchange proposes to amend fee code RD to add applicable Customer orders routed to IEX, a national securities exchange that is launching an options market on October 2, 2026. As proposed, the description of fee code RD would read: "Routed to AMEX, BOX, EDGX, IEX, MIAX, MX2, SPHR, PHLX (excluding SPY), ETF, Equity." The charge assessed per contract for fee code RD remains the same (\$0.25) under the proposed rule change. The proposed change results in an assessment of fees that, given the fees of an away options exchange, is in line with the Exchange's current approach to routing fees, i.e., in a manner that approximates the cost of routing Customer orders to other away options exchanges, based on the general cost of transaction fees assessed by the sub-category of away options exchanges for such orders (as well as the Exchange's Routing Costs). The Exchange notes that routing through the Exchange is optional and that market participants will continue to be able to choose where to route applicable Customer orders.

(b) 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.²¹ Specifically,

²¹ 15 U.S.C. 78f(b).

the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²² 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) requirement that the rules of an exchange not be designed to permit unfair discrimination. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,²³ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

As a general matter, the Exchange operates in a highly competitive market. The Securities and Exchange Commission (the “Commission”) has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors

²² 15 U.S.C. 78f(b)(5).

²³ 15 U.S.C. 78f(b)(4).

and listed companies.”²⁴ Market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. Accordingly, competitive forces constrain the Exchange’s transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Index Binaries Transaction Fees. The Exchange believes the proposed tier-based constant fee methodology for Index Binaries is reasonable. The proposed constants are calibrated so that the maximum per-contract fee for each capacity (\$0.30 for Customer orders and \$0.35 for Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders, other than Cboe Options Market-Maker/DPM/LMM orders adding liquidity or executed manually) is unchanged from the maximum fee under the current premium-range structure. At most contract prices, the proposed methodology will result in fees that are lower than those currently assessed for the applicable premium range, and while fees for contracts priced at the upper end of certain current premium ranges may be modestly higher, they will not exceed the current maximum fee for the applicable capacity. The proposed methodology is also reasonable because it bases the transaction fee on an objective, transparent calculation using the actual contract price, the number of contracts, and the contract multiplier, which more closely aligns the fee with the price of the contract at execution than a fixed fee applicable across a broad premium range. The Exchange believes it is reasonable to continue to assess Cboe

²⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity, and Cboe Options Market-Maker/DPM/LMM orders executed manually, the existing flat fees of \$0.05 and \$0.15 per contract, respectively, which are unchanged. The Exchange believes it is reasonable to adopt footnote 55 to define Index Binaries, as it makes clear the products to which the new rate table applies and currently includes only XSPBX, the product to which the current rate table applies.

The Exchange believes the proposed methodology is equitable and not unfairly discriminatory because the same formula and the same tier-based constant will apply to all market participants within each applicable capacity. The Exchange believes it is equitable and not unfairly discriminatory to apply a lower constant to Customer orders (1.2%) than to Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders (1.4%), which is consistent with the current structure, under which Customer orders are assessed lower fees than other capacities in each premium range, and with the longstanding practice of the Exchange and other options exchanges of assessing lower fees to Customer orders, which enhance liquidity for the benefit of all market participants. The Exchange believes it is equitable and not unfairly discriminatory to apply the same 1.4% constant to Clearing Trading Permit Holder Proprietary, Broker-Dealer, Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional orders, and to Cboe Options Market-Maker/DPM/LMM orders executed electronically and removing liquidity, because each of these capacities is currently assessed identical fees in each premium range (fee codes N1 through N4 and H1 through H4, respectively), and the proposed change preserves that parity. The Exchange believes it remains equitable and not

unfairly discriminatory to assess lower flat fees to Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity, as is the case today, in light of the value that Cboe Options Market-Maker/DPM/LMM liquidity provides to the market and the obligations to which Cboe Options Market-Makers/DPMs/LMMs are subject that other market participants are not.

Addition of IEX to Fee Code RD. The Exchange believes the proposed change to add IEX to fee code RD is reasonable because the charge assessed per contract for fee code RD remains the same, and the change is designed to assess routing fees for Customer orders routed to IEX in a manner consistent with the Exchange's current approach to routing fees — i.e., in the most appropriate sub-category of fees that approximates the cost of routing to a group of away options exchanges based on the cost of transaction fees assessed by each venue as well as the Exchange's Routing Costs. The Exchange believes the proposed change is equitable and not unfairly discriminatory because all applicable Customer orders routed to IEX will automatically yield fee code RD and uniformly be assessed the corresponding fee. The Exchange notes that routing through the Exchange is voluntary, and market participants may choose to route orders to IEX directly or through other means.

Item 4. 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 Exchange does not believe the proposed changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed tier-based constant fee methodology for Index Binaries will apply the same formula and the same constant to all market participants within each

applicable capacity, and maintains the relative relationships among capacities that exist under the current premium-range structure. The proposed addition of IEX to fee code RD will apply automatically and uniformly to all Trading Permit Holders' applicable Customer orders routed to IEX, which will be assessed the same \$0.25 per contract charge that applies to orders routed to other exchanges within fee code RD. To the extent Customer orders continue to be assessed lower fees than non-Customer orders, and Market-Maker orders adding liquidity in Index Binaries continue to be assessed lower flat fees, the Exchange believes such differentiation is consistent with longstanding industry practice and reflects the value that Customer order flow and Market-Maker liquidity provide to the market.

The Exchange does not believe the proposed changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues, including 17 other options exchanges and off-exchange venues, if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. With respect to the addition of IEX to fee code RD, routing through the Exchange is optional, and the charge assessed under fee code RD is unchanged. The Exchange notes that its market share in the options market is subject to competition, and that, in such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. Moreover, the Commission has recognized that competition for order flow among exchanges is robust. In *NetCoalition v. SEC*, the D.C. Circuit stated that “[n]o one disputes that competition for order flow is ‘fierce,’” and that, “[a]s the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as

their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”²⁵ Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Item 5. 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.

Item 6. Extension of Time Period for Commission Action

Not applicable.

Item 7. Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2) or Section 19(b)(7)(D)

(a) The proposed rule change is filed for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act²⁶ and Rule 19b-4(f)(2)²⁷ thereunder.

(b) The Exchange designates that the proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange, which renders the proposed rule change effective upon filing with the Commission. At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend

²⁵ NetCoalition v. SEC, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b-4(f)(2).

such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, 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.

(c) Not applicable.

(d) Not applicable.

Item 8. Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or of the Commission

The proposed rule change is not based on a rule either of another self-regulatory organization or of the Commission.

Item 9. Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act

Not applicable.

Item 10. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Not applicable.

Item 11. Exhibits

Exhibit 1. Completed Notice of Proposed Rule Change for publication in the Federal Register.

Exhibits 2-4. Not applicable.

Exhibit 5. Proposed rule text.

EXHIBIT 1**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34- ; File No. SR-CBOE-2026-079]

[Insert date]

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

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on [insert date], Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (the “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 its Fees Schedule to (i) replace the fixed, premium-based transaction fees applicable to Customer, Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders executed electronically and removing liquidity in Mini-S&P 500 Index (“XSPBX”) binary options with a tier-based constant transaction fee methodology applicable to Index Binaries, as defined in new footnote 55, while retaining the existing per-contract transaction fees for Cboe Options Market-Maker/DPM/LMM liquidity-adding and manual orders, and (ii) add Investors Exchange

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

LLC (“IEX”) to fee code RD. 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 (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 Fees Schedule, effective October 1, 2026, to (1) amend the Binary Options³ rate table to replace the fixed, premium-based transaction fees currently applicable to XSPBX options with a tier-based constant transaction fee methodology applicable to Index Binaries⁴ for Customer, Clearing Trading Permit Holder

³ The term “Binary Option” means an option contract having an exercise settlement amount that is established at the creation of an option and only two possible payoff outcomes: either a fixed amount equal to the exercise payout amount or nothing at all. See Cboe Rule 1.1.

⁴ The Exchange proposes to adopt new footnote 55, as described below, which provides that Index Binaries include XSPBX, and to append footnote 55 to each “Index Binaries” product designation in the proposed Rate Table – Binary Options. For purposes of the Fees Schedule, “Index Binaries” are binary index options, as defined in Rule 4.70, that are listed for trading on the Exchange and identified in footnote 55. As proposed, footnote 55 identifies only binary options that overlie the Mini-S&P 500 Index (“XSPBX”). The Exchange anticipates adding other binary index options to

Proprietary,⁵ Broker-Dealer⁶ (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM⁷ orders executed electronically and removing liquidity, while retaining the existing per-contract transaction fees for Cboe Options Market-Maker/DPM/LMM liquidity-adding and manual orders, together with new footnote 55; and (2) add IEX to fee code RD⁸ within the Routing Fees section of the Fees Schedule.

footnote 55 in future amendments to the Fees Schedule as it plans to list binary index options on additional indexes. Each such amendment will be the subject of a separate rule filing submitted to the Commission pursuant to Section 19(b) of the Act and Rule 19b-4 thereunder.

⁵ “Clearing Trading Permit Holder Proprietary” orders are orders for an OCC clearing member firm proprietary account (capacity “F”) and orders for the account of a non-Trading Permit Holder Affiliate of a Clearing Trading Permit Holder (capacity “L”). See Cboe Rule 1.1 (definition of “Capacity”). A “Clearing Trading Permit Holder” is a Trading Permit Holder that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the Rules of the Clearing Corporation and is self-clearing or that clears transactions for other Trading Permit Holders. See Cboe Rule 1.1. A “non-Trading Permit Holder Affiliate” is a 100% wholly owned affiliate or subsidiary of a Clearing Trading Permit Holder that is registered as a United States or foreign broker-dealer and that is not a Trading Permit Holder. See Fees Schedule, footnote 11.

⁶ “Broker-Dealer” orders are orders for the account of a broker or dealer, including a Foreign Broker-Dealer (capacity “B”). See Rule 1.1 (definition of “Capacity”). A “broker-dealer” is a Trading Permit Holder, a non-Trading Permit Holder broker or dealer in securities (including a foreign broker-dealer), or a joint venture with a Trading Permit Holder and non-Trading Permit Holder participants. See Rule 1.1. Broker-Dealer transaction fees apply to broker-dealer orders (capacity “B”), non-Trading Permit Holder market-maker orders (capacity “N”), and certain orders with “F” or “L” capacity codes (i.e., orders from OCC numbers that are not from Cboe Options Trading Permit Holders or are not registered with the Exchange). See Fees Schedule, footnote 16.

⁷ Cboe Options Market-Maker/DPM/LMM” orders are orders for the account of a Market-Maker (capacity “M”), including a Designated Primary Market-Maker (“DPM”) or Lead Market-Maker (“LMM”). See Cboe Rule 1.1 (definition of “Capacity”). A “Market-Maker” is a Trading Permit Holder registered with the Exchange pursuant to Rule 3.52 for the purpose of making markets in option contracts traded on the Exchange and that has the rights and responsibilities set forth in Chapter 5, Section D of the Rules. A “DPM” is a TPH organization that is approved by the Exchange to function in appointed securities as a Market-Maker per trading session and is subject to the obligations under Cboe Rule 5.54 or as otherwise provided under the Rules. See Rules 1.1 and 3.53. An “LMM” is a Market-Maker in good standing with an appointment in a class for which a DPM has not been appointed that the Exchange has designated as a Lead Market-Maker. See Rules 1.1 and 3.55.

⁸ Fee code RD is appended to Customer orders routed to NYSE American LLC (“AMEX”), BOX Exchange LLC (“BOX”), Cboe EDGX Exchange, Inc. (“EDGX”), Miami International Securities Exchange, LLC (“MIAX”), MIAX Pearl, LLC (“MX2”), MIAX Sapphire, LLC (“SPHR”), or Nasdaq PHLX LLC (“PHLX”) (excluding orders in SPY options routed to PHLX), as well as ETF and Equity options, and is assessed a charge of \$0.25 per contract.

Index Binaries Transaction Fees

The Fees Schedule currently includes a Rate Table – Binary Options, which sets forth transaction fees for XSPBX options. The current table assesses fixed per-contract transaction fees that vary by capacity and across seven premium ranges (less than \$0.04; \$0.04 – \$0.09; \$0.10 – \$0.24; \$0.25 – \$0.75; \$0.76 – \$0.90; \$0.91 – \$0.96; and greater than \$0.96). Specifically, Customer orders are assessed \$0.04 (fee code D1),⁹ \$0.08 (fee code D2),¹⁰ \$0.20 (fee code D3),¹¹ and \$0.30 (fee code D4)¹² per contract, with the fee increasing as the premium approaches \$0.50 and decreasing symmetrically as the premium approaches \$0.00 or \$1.00. Clearing Trading Permit Holder Proprietary and Broker-Dealer orders (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional orders) are assessed \$0.10 (fee code N1),¹³ \$0.15 (fee code N2),¹⁴ \$0.25 (fee code N3),¹⁵ and \$0.35 (fee code N4)¹⁶ per contract across the same premium ranges. Cboe

⁹ Fee code D1 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price less than \$0.04 or greater than \$0.96 and assesses a fee of \$0.04 per contract.

¹⁰ Fee code D2 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price of \$0.04 to \$0.09 or \$0.91 to \$0.96 and assesses a fee of \$0.08 per contract.

¹¹ Fee code D3 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price of \$0.10 to \$0.24 or \$0.76 to \$0.90 and assesses a fee of \$0.20 per contract.

¹² Fee code D4 is appended to all Customer (capacity “C”) orders in XSPBX with a premium price of \$0.25 to \$0.75 and assesses a fee of \$0.30 per contract.

¹³ Fee code N1 is appended to all Clearing Trading Permit Holder (capacity “F”), non-Clearing Trading Permit Holder Affiliate (capacity “L”), Broker-Dealer (capacity “B”), Joint Back-Office (capacity “J”), non-Trading Permit Holder Market-Maker (capacity “N”), and Professional (capacity “U”) (collectively, “non-Customer, non-Market-Maker”) orders in XSPBX with a premium price less than \$0.04 or greater than \$0.96 and assesses a fee of \$0.10 per contract.

¹⁴ Fee code N2 is appended to all non-Customer, non-Market-Maker orders in XSPBX with a premium price of \$0.04 to \$0.09 or \$0.91 to \$0.96 and assesses a fee of \$0.15 per contract.

¹⁵ Fee code N3 is appended to all non-Customer, non-Market-Maker orders in XSPBX with a premium price of \$0.10 to \$0.24 or \$0.76 to \$0.90 and assesses a fee of \$0.25 per contract.

¹⁶ Fee code N4 is appended to all non-Customer, non-Market-Maker orders in XSPBX with a premium price of \$0.25 to \$0.75 and assesses a fee of \$0.35 per contract.

Options Market-Maker/DPM/LMM orders are assessed \$0.10 (fee code H1),¹⁷ \$0.15 (fee code H2),¹⁸ \$0.25 (fee code H3),¹⁹ and \$0.35 (fee code H4)²⁰ per contract across the same premium ranges when executed electronically and taking liquidity, \$0.05 per contract (fee code HA)²¹ when executed electronically and adding liquidity, and \$0.15 per contract (fee code HM)²² when executed manually.

The Exchange proposes to amend the Rate Table – Binary Options to replace the fixed, premium-based transaction fees currently applicable to XSPBX options with a tier-based constant transaction fee methodology applicable to “Index Binaries,” under which transaction fees for Customer, Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders executed electronically and removing liquidity, will be calculated using the following formula:

$$\text{Transaction Fee} = ((k * p * (1 - p) * c) * m)$$

¹⁷ Fee code H1 is appended to all electronic Cboe Options Market-Maker/Designated Primary Market-Maker (“DPM”)/Lead Market-Maker (“LMM”) (collectively, “Market-Maker”) (capacity “M”) orders in XSPBX taking liquidity with a premium price less than \$0.04 or greater than \$0.96 and assesses a fee of \$0.10 per contract.

¹⁸ Fee code H2 is appended to all electronic Market-Maker (capacity “M”) orders in XSPBX taking liquidity with a premium price of \$0.04 to \$0.09 or \$0.91 to \$0.96 and assesses a fee of \$0.15 per contract.

¹⁹ Fee code H3 is appended to all electronic Market-Maker (capacity “M”) orders in XSPBX taking liquidity with a premium price of \$0.10 to \$0.24 or \$0.76 to \$0.90 and assesses a fee of \$0.25 per contract.

²⁰ Fee code H4 is appended to all electronic Market-Maker (capacity “M”) orders in XSPBX taking liquidity with a premium price of \$0.25 to \$0.75 and assesses a fee of \$0.35 per contract.

²¹ Fee code HA is appended to all Market-Maker (capacity “M”) orders in XSPBX that add liquidity and that are executed electronically, and assesses a fee of \$0.05 per contract.

²² Fee code HM is appended to all Market-Maker (capacity “M”) orders in XSPBX that are executed manually (i.e., open outcry) and assesses a fee of \$0.15 per contract.

where k is the tier-based constant for the applicable capacity; p is the contract price (\$0.01 – \$1.00); c is the number of contracts traded; and m is the contract multiplier (i.e., 100).

The proposed tier-based constants (k) are as follows:

- Customer (capacity code C): 1.2% (fee code HC);
- Clearing Trading Permit Holder Proprietary, Broker-Dealer, Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional (capacity codes F, L, B, N, U, and J): 1.4% (fee code HD); and
- Cboe Options Market-Maker/DPM/LMM (capacity code M), Electronic, Removing Liquidity: 1.4% (fee code HB).

Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity and executed manually will continue to be assessed flat per-contract transaction fees of \$0.05 (fee code HA) and \$0.15 (fee code HM), respectively, which are unchanged from the current fees. The Exchange also proposes to adopt new footnote 55, which provides that “Index Binaries include XSPBX,” and to append footnote 55 to each “Index Binaries” product designation in the new rate table. XSPBX will therefore continue to be the only binary option subject to the rate table following the proposed change.

Under the proposed methodology, the transaction fee for an Index Binary is a function of $p*(1-p)$, which is greatest when the contract price is \$0.50 and declines symmetrically as the contract price approaches \$0.00 or \$1.00. The proposed methodology therefore preserves the general shape of the current premium-range fee structure, under which the highest fees apply to contracts priced near \$0.50 and the lowest fees apply to contracts priced near \$0.00 or \$1.00, while replacing seven discrete premium ranges with a continuous calculation based on the actual contract price. The proposed constants are

calibrated so that the maximum per-contract fee for each capacity is unchanged. For example, a Customer executing one contract at a price of \$0.50 would be assessed $((0.012 \times 0.50 \times 0.50 \times 1) \times 100) = \0.30 , which is identical to the current \$0.30 fee applicable to Customer orders priced between \$0.25 and \$0.75 (fee code D4). Similarly, a Clearing Trading Permit Holder Proprietary order executing one contract at \$0.50 would be assessed $((0.014 \times 0.50 \times 0.50 \times 1) \times 100) = \0.35 , identical to the current \$0.35 fee applicable to such orders priced between \$0.25 and \$0.75 (fee code N4). At other contract prices, the fee under the proposed methodology will generally be lower than the fee currently assessed for the applicable premium range. For example, a Customer order executing one contract at \$0.25 would be assessed \$0.225 rather than \$0.30; at \$0.10, \$0.108 rather than \$0.20; and at \$0.02, approximately \$0.024 rather than \$0.04. A Clearing Trading Permit Holder Proprietary order executing one contract at \$0.25 would be assessed approximately \$0.26 rather than \$0.35; at \$0.10, \$0.126 rather than \$0.25; and at \$0.02, approximately \$0.027 rather than \$0.10. Because the proposed fee is calculated continuously rather than by premium range, the fee for contracts priced at the upper end of a current premium range may be modestly higher than the current fixed fee for that range (e.g., a Customer order executing one contract at \$0.24 would be assessed approximately \$0.219 rather than \$0.20), but will never exceed the current maximum per-contract fee for the applicable capacity.

The following examples illustrate the per-contract transaction fee that would be assessed under the proposed methodology for a single contract (i.e., $c = 1$ and $m = 100$) at various contract prices, by capacity:

Contract Price	Customer (k = 1.2%)	Clearing Proprietary, JBO, Non-TPH MM, Professional (k = 1.4%)	TPH Broker-Maker/DPM/LMM Electronic Remove (k = 1.4%)
\$0.01	\$0.01188	\$0.01386	\$0.01386
\$0.05	\$0.05700	\$0.06650	\$0.06650
\$0.10	\$0.10800	\$0.12600	\$0.12600
\$0.25	\$0.22500	\$0.26250	\$0.26250
\$0.50	\$0.30000	\$0.35000	\$0.35000
\$0.75	\$0.22500	\$0.26250	\$0.26250
\$0.90	\$0.10800	\$0.12600	\$0.12600
\$0.99	\$0.01188	\$0.01386	\$0.01386

At each contract price, Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity would continue to be assessed \$0.05 per contract (fee code HA), and Cboe Options Market-Maker/DPM/LMM orders executed manually would continue to be assessed \$0.15 per contract (fee code HM). Because the transaction fee is calculated on a per-contract basis, the total fee for an execution of multiple contracts equals the applicable per-contract fee multiplied by the number of contracts traded. For example, a Customer order executing ten contracts at a contract price of \$0.25 would be assessed $((0.012 \times 0.25 \times 0.75 \times 10) \times 100) = \2.25 .

The Exchange believes that the proposed methodology will simplify and add transparency to binary option pricing on the Exchange by applying a single, objective calculation based on the contract price in place of multiple premium ranges, and will more closely align the transaction fee with the price of the contract at the time of execution. Additionally, by applying the new rate table to Index Binaries as a category, as defined in new footnote 55, the Exchange will be able to apply a consistent fee methodology across

index binary options. Any future addition of a product to the definition of Index Binaries in footnote 55 would be the subject of a separate rule filing.

Addition of IEX to Fee Code RD

The Exchange assesses fees in connection with orders routed away to various options exchanges. The Fees Schedule currently lists fee codes and their corresponding transaction fees for certain Customer orders routed to other options exchanges. Currently, under the Routing Fees section of the Fees Schedule, fee code RD is appended to Customer orders routed to AMEX, BOX, EDGX, MIAX, MX2, SPHR, or PHLX (excluding orders in SPY options routed to PHLX), as well as ETF and Equity options, and assesses a charge of \$0.25 per contract.

The Exchange's current approach to routing fees is to set forth in a simple manner certain sub-categories of fees that approximate the cost of routing to other options exchanges based on the cost of transaction fees assessed by each venue as well as costs to the Exchange for routing (i.e., clearing fees, connectivity and other infrastructure costs, membership fees, etc.) (collectively, "Routing Costs"). The Exchange monitors the fees charged as compared to the costs of its routing services and adjusts its routing fees and/or sub-categories to ensure that the Exchange's fees result in a rough approximation of overall Routing Costs, and are not significantly higher or lower in any area. Other options exchanges assess routing fees in a similar manner.

The Exchange proposes to amend fee code RD to add applicable Customer orders routed to IEX, a national securities exchange that is launching an options market on October 2, 2026. As proposed, the description of fee code RD would read: "Routed to AMEX, BOX, EDGX, IEX, MIAX, MX2, SPHR, PHLX (excluding SPY), ETF, Equity."

The charge assessed per contract for fee code RD remains the same (\$0.25) under the proposed rule change. The proposed change results in an assessment of fees that, given the fees of an away options exchange, is in line with the Exchange's current approach to routing fees, i.e., in a manner that approximates the cost of routing Customer orders to other away options exchanges, based on the general cost of transaction fees assessed by the sub-category of away options exchanges for such orders (as well as the Exchange's Routing Costs). The Exchange notes that routing through the Exchange is optional and that market participants will continue to be able to choose where to route applicable Customer orders.

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.²³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁴ 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)

²³ 15 U.S.C. 78f(b).

²⁴ 15 U.S.C. 78f(b)(5).

requirement that the rules of an exchange not be designed to permit unfair discrimination. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,²⁵ which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

As a general matter, the Exchange operates in a highly competitive market. The Securities and Exchange Commission (the “Commission”) has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²⁶ Market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. Accordingly, competitive forces constrain the Exchange’s transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Index Binaries Transaction Fees. The Exchange believes the proposed tier-based constant fee methodology for Index Binaries is reasonable. The proposed constants are calibrated so that the maximum per-contract fee for each capacity (\$0.30 for Customer orders and \$0.35 for Clearing Trading Permit Holder Proprietary, Broker-Dealer (including

²⁵ 15 U.S.C. 78f(b)(4).

²⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders, other than Cboe Options Market-Maker/DPM/LMM orders adding liquidity or executed manually) is unchanged from the maximum fee under the current premium-range structure. At most contract prices, the proposed methodology will result in fees that are lower than those currently assessed for the applicable premium range, and while fees for contracts priced at the upper end of certain current premium ranges may be modestly higher, they will not exceed the current maximum fee for the applicable capacity. The proposed methodology is also reasonable because it bases the transaction fee on an objective, transparent calculation using the actual contract price, the number of contracts, and the contract multiplier, which more closely aligns the fee with the price of the contract at execution than a fixed fee applicable across a broad premium range. The Exchange believes it is reasonable to continue to assess Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity, and Cboe Options Market-Maker/DPM/LMM orders executed manually, the existing flat fees of \$0.05 and \$0.15 per contract, respectively, which are unchanged. The Exchange believes it is reasonable to adopt footnote 55 to define Index Binaries, as it makes clear the products to which the new rate table applies and currently includes only XSPBX, the product to which the current rate table applies.

The Exchange believes the proposed methodology is equitable and not unfairly discriminatory because the same formula and the same tier-based constant will apply to all market participants within each applicable capacity. The Exchange believes it is equitable and not unfairly discriminatory to apply a lower constant to Customer orders (1.2%) than to Clearing Trading Permit Holder Proprietary, Broker-Dealer (including Joint Back-

Office, Non-Trading Permit Holder Market Maker, and Professional), and Cboe Options Market-Maker/DPM/LMM orders (1.4%), which is consistent with the current structure, under which Customer orders are assessed lower fees than other capacities in each premium range, and with the longstanding practice of the Exchange and other options exchanges of assessing lower fees to Customer orders, which enhance liquidity for the benefit of all market participants. The Exchange believes it is equitable and not unfairly discriminatory to apply the same 1.4% constant to Clearing Trading Permit Holder Proprietary, Broker-Dealer, Joint Back-Office, Non-Trading Permit Holder Market Maker, and Professional orders, and to Cboe Options Market-Maker/DPM/LMM orders executed electronically and removing liquidity, because each of these capacities is currently assessed identical fees in each premium range (fee codes N1 through N4 and H1 through H4, respectively), and the proposed change preserves that parity. The Exchange believes it remains equitable and not unfairly discriminatory to assess lower flat fees to Cboe Options Market-Maker/DPM/LMM orders executed electronically and adding liquidity, as is the case today, in light of the value that Cboe Options Market-Maker/DPM/LMM liquidity provides to the market and the obligations to which Cboe Options Market-Makers/DPMs/LMMs are subject that other market participants are not.

Addition of IEX to Fee Code RD. The Exchange believes the proposed change to add IEX to fee code RD is reasonable because the charge assessed per contract for fee code RD remains the same, and the change is designed to assess routing fees for Customer orders routed to IEX in a manner consistent with the Exchange's current approach to routing fees — i.e., in the most appropriate sub-category of fees that approximates the cost of routing to a group of away options exchanges based on the cost of transaction fees assessed by

each venue as well as the Exchange's Routing Costs. The Exchange believes the proposed change is equitable and not unfairly discriminatory because all applicable Customer orders routed to IEX will automatically yield fee code RD and uniformly be assessed the corresponding fee. The Exchange notes that routing through the Exchange is voluntary, and market participants may choose to route orders to IEX directly or through other means.

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 Exchange does not believe the proposed changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed tier-based constant fee methodology for Index Binaries will apply the same formula and the same constant to all market participants within each applicable capacity, and maintains the relative relationships among capacities that exist under the current premium-range structure. The proposed addition of IEX to fee code RD will apply automatically and uniformly to all Trading Permit Holders' applicable Customer orders routed to IEX, which will be assessed the same \$0.25 per contract charge that applies to orders routed to other exchanges within fee code RD. To the extent Customer orders continue to be assessed lower fees than non-Customer orders, and Market-Maker orders adding liquidity in Index Binaries continue to be assessed lower flat fees, the Exchange believes such differentiation is consistent with longstanding industry practice and reflects the value that Customer order flow and Market-Maker liquidity provide to the market.

The Exchange does not believe the proposed changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market

in which market participants can readily direct order flow to competing venues, including 17 other options exchanges and off-exchange venues, if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. With respect to the addition of IEX to fee code RD, routing through the Exchange is optional, and the charge assessed under fee code RD is unchanged. The Exchange notes that its market share in the options market is subject to competition, and that, in such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. Moreover, the Commission has recognized that competition for order flow among exchanges is robust. In *NetCoalition v. SEC*, the D.C. Circuit stated that “[n]o one disputes that competition for order flow is ‘fierce,’” and that, “[a]s the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”²⁷ Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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.

²⁷ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

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 Act²⁸ and paragraph (f) of Rule 19b-4²⁹ 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, 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-2026-079 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.

²⁸ 15 U.S.C. 78s(b)(3)(A).

²⁹ 17 CFR 240.19b-4(f).

All submissions should refer to file number SR-CBOE-2026-079. 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-2026-079 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.³⁰

Sherry R. Haywood,

Assistant Secretary.

³⁰

17 CFR 200.30-3(a)(12).



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[Rate Table - Binary Options]			[Options Transaction Fees (1)(3)(4)(7)(13)(15)(39)(24)]							
[Capacity]	[Products]	[Capacity Code]	[Transaction Fee Per Contract by Premium Price]							
			[< \$0.04]	[\$0.04 - \$0.09]	[\$0.10 - \$0.24]	[\$0.25 - \$0.75]	[\$0.76 - \$0.90]	[\$0.91 - \$0.96]	[> \$0.96]	
[Customer]	[XSPBX]	[C]	[(D1) \$0.04]	[(D2) \$0.08]	[(D3) \$0.20]	[(D4) \$0.30]	[(D3) \$0.20]	[(D2) \$0.08]	[(D1) \$0.04]	
[Clearing Trading Permit Holder Proprietary]	[XSPBX]	[F L]	[(N1) \$0.10]	[(N2) \$0.15]	[(N3) \$0.25]	[(N4) \$0.35]	[(N3) \$0.25]	[(N2) \$0.15]	[(N1) \$0.10]	
[Cboe Options Market-Maker/ DPM/LMM (42)]	[XSPBX]	[M]	[(H1) \$0.10 Electronic, Taking Liquidity]	[(H2) \$0.15 Electronic, Taking Liquidity]	[(H3) \$0.25 Electronic, Taking Liquidity]	[(H4) \$0.35 Electronic, Taking Liquidity]	[(H3) \$0.25 Electronic, Taking Liquidity]	[(H2) \$0.15 Electronic, Taking Liquidity]	[(H1) \$0.10 Electronic, Taking Liquidity]	
			[(HA) \$0.05 Electronic, Adding Liquidity]							
			[(HM) \$0.15 Manual]							
[Broker-Dealer (16)]	[XSPBX]	[B N U J]	[(N1) \$0.10]	[(N2) \$0.15]	[(N3) \$0.25]	[(N4) \$0.35]	[(N3) \$0.25]	[(N2) \$0.15]	[(N1) \$0.10]	
[Joint Back-Office]										
[Non-Trading Permit Holder Market Maker Professional]										

Rate Table - Binary Options		Options Transaction Fees (1)(3)(4)(7)(13)(15)(39)(24)			
Capacity	Products	Capacity Code	Tier Based Constant (k)		Fee Calculation
Customer	Index Binaries (55)	C	{HC} 1.2%		Transaction Fee = ((k*p*(1-p)*c)*m) Where: k = tier-based constant p = contract price (\$0.01–\$1.00) c = number of contracts traded m = contract multiplier (i.e. 100)
Clearing Trading Permit Holder Proprietary	Index Binaries (55)	F L B N U J	{HD} 1.4%		
Broker-Dealer (16)					
Joint Back-Office					
Non-Trading Permit Holder Market Maker Professional					
Cboe Options Market-Maker/ DPM/LMM (42)	Index Binaries (55)	M	{HB} 1.4% Electronic, Removing Liquidity		
			Transaction Fee Per Contract		
			{HA} \$0.05 Electronic, Adding Liquidity		
			{HM} \$0.15 Manual		

* * * * *

Routing Fees (12)			
Capacity	Transaction Fee Per Contract	Description	Notes
Customer	{RD} \$0.25	Routed to AMEX, BOX, EDGX, IEX, MIAX, MX2, SPHR, PHLX (excluding SPY), ETF, Equity	Multiple orders from the same executing firm for itself or for a CMTA or correspondent firm in the same series on the same side of the market that are received within 500 milliseconds will be aggregated for purposes of determining the order quantity. Cboe Options will not pass through or otherwise charge customer orders (of any size) routed to other exchanges that were originally transmitted to the Exchange from the trading floor through an Exchange-sponsored terminal.
	{RF} \$0.75	Routed to ARCA, BX, BZX, C2, ISE, GMNI, MERC, EMLD, PERL, NOMX, MEMX, PHLX (SPY only), ETF, Equity, Penny	
	{RI} \$1.25	Routed to ARCA, BX, BZX, C2, ISE, GMNI, MERC, EMLD, PERL, NOMX, MEMX, ETF, Equity, Non-Penny	
	{RS} \$0.48	Routed, Index	
	{TD} \$0.18	Routed, ≥ 100 contracts, ETF, originating on Exchange-sponsored terminal	
	{TE} \$0.00	Routed, < 100 contracts ETF, Equity, originating on Exchange-sponsored terminal	
	{TS} \$0.18	Routed, Index, originating on Exchange-sponsored terminal	
Non-Customer	{RJ} \$1.17	Routed, Penny	
	{RK} \$1.45	Routed, Non-Penny	
	{RR} \$1.25	Routed, RUT	

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Footnotes:	
Footnote Number	Description

55	Index Binaries include XSPBX