

Dated: August 2, 2005.

**Jonathan G. Katz,**

*Committee Management Officer.*

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### In the Matter of Sure Trace Security Corporation; Order of Suspension of Trading

August 3, 2005.

It appears to the Securities and Exchange Commission ("Commission") that there is a lack of current and accurate information concerning the joint ventures and contract negotiations of Sure Trace Security Corporation ("Sure Trace"). The securities of Sure Trace are quoted on the Pink Sheets under the symbol SSTY. Information has been provided to the Commission raising concerns as to the adequacy and accuracy of Sure Trace's publicly disseminated information concerning, among other things, the status of Sure Trace's negotiations to sell its technology to other entities.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Sure Trace.

Therefore, it is *ordered*, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Sure Trace is suspended for the period from 9:30 a.m. EDT, August 3, 2005, through 11:59 p.m. EDT, on August 16, 2005.

By the Commission.

**Jonathan G. Katz,**

*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52172; File No. SR-Amex-2005-046]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to Amendments to the Exchange's Trade-Through and Locked Markets Rules

July 29, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934

("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 28, 2005, the American Stock Exchange LLC ("Amex") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in items I, II, and III below, which Items have been prepared by the Amex. On July 6, 2005, the Amex filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

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

The Amex proposes to amend Amex Rules 940 and 943 to amend the "trade-through" and "locked" markets rules to allow specialists and registered options traders ("ROTs") to "trade and ship" or "book and ship" an order. The text of the proposed rule change is available on the Amex's Web site (<http://www.amex.com>), at the Amex's Office of the Secretary, and at the Commission's Public Reference Room.

#### 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 Amex 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 Amex 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 purpose of this proposed rule change is to implement proposed Amendment No. 15 to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Plan"). Amendment No. 15, together with this proposed rule change, will provide that an Amex member may (i) trade an order at a price that is one-tick inferior to the national best bid or offer ("NBBO") if

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Form 19b-4 dated July 5, 2005 ("Amendment No. 1"). In Amendment No. 1, the Amex revised the rule text to use terms consistent with Amex's current rules and made clarifying changes in the purpose, statutory basis and burdens sections.

the member contemporaneously transmits to the market(s) disseminating the NBBO, Linkage Order(s)<sup>4</sup> to satisfy all interest at the NBBO price ("trade and ship") and (ii) book an order that would lock another exchange if the member contemporaneously sends a Linkage Order to such other exchange to satisfy all interest at the lock price ("book and ship"). Under the trade and ship proposal, any execution the member receives from the NBBO market must (pursuant to agency obligations) be reassigned to any customer order underlying the Linkage Order that was transmitted to trade against the market disseminating the NBBO. Below are examples illustrating the application of these concepts:

*Trade and Ship Example.* Exchange A is disseminating an offer of \$2.00 for 100 contracts. Exchange B is disseminating the national best offer of \$1.95 for 10 contracts. No other market is at \$1.95. Exchange A receives a 100-contract customer buy order to pay \$2.00. Under this proposal, Exchange A could execute 90 contracts (or 100 contracts) of the customer order at \$2.00 provided Exchange A simultaneously transmits a 10-contract P/A Order to Exchange B to pay \$1.95. Assuming an execution is obtained from Exchange B, the customer would receive the 10-contract fill at \$1.95 and 90 contracts at \$2.00 (if the customer order was originally filled in its entirety at \$2.00, an adjustment would be required to provide the customer with the \$1.95 price for 10 contracts reflecting the P/A Order execution). As proposed, this would not be deemed a trade-through.

*Book and Ship Example.* Exchange A is disseminating a \$1.85-\$2.00 market. Exchange B is disseminating a \$1.80-\$1.95 market. The \$1.95 offer is for 10 contracts. No other market is at \$1.95. Exchange A receives a customer order to buy 100 contracts at \$1.95. Under this proposal, Exchange A could book 90 contracts of the customer buy order at \$1.95 provided Exchange A

<sup>4</sup> A "Linkage Order" is defined in Amex Rule 940(b)(10) to mean an immediate or cancel order routed through the Linkage as permitted under the Plan. The three types of Linkage Orders are: (i) "Principal Acting as Agent ("P/A") Order," which is an order for the principal account of a specialist (or equivalent entity on another Participant Exchange that is authorized to represent Public Customer orders), reflecting the terms of a related unexecuted Public Customer order for which the specialist is acting as agent; (ii) "Principal Order," which is an order for the principal account of an Eligible Market Maker (or equivalent entity on another Participant Exchange) and is not a P/A Order; and (iii) "Satisfaction Order," which is an order sent through the Linkage to notify a Participant Exchange of a Trade-Through and to seek satisfaction of the liability arising from that Trade-Through.