

May 29, 2025

SUBMITTED VIA CFTC PORTAL  
Secretary of the Commission  
Office of the Secretariat  
U.S. Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

Re: KalshiEX LLC – CFTC Regulation 40.2(a) Notification Regarding the Initial Listing  
of the “Will <device category> be the first kind of device that OpenAI releases?”  
Contract

Dear Sir or Madam,

Pursuant to Section 5c(c) of the Commodity Exchange Act and Section 40.2(a) of the regulations of the Commodity Futures Trading Commission, KalshiEX LLC (Kalshi), a registered DCM, hereby notifies the Commission that it is self-certifying the “Will <device category> be the first kind of device that OpenAI releases?” contract (Contract). The Contract will initially be listed on May 31, 2025. The Exchange intends to list the contract on a  basis. The Contract’s terms and conditions (Appendix A) includes the following strike conditions:

- <date>
- <device category>

Along with this letter, Kalshi submits the following documents:

- A concise explanation and analysis of the Contract;
- Certification;
- Appendix A with the Contract’s Terms and Conditions;
- Confidential Appendices with further information; and
- A request for FOIA confidential treatment.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Xavier Sottile  
Head of Markets  
KalshiEX LLC  
xsottile@kalshi.com

KalshiEX LLC

Official Product Name: "Will <device category> be the first kind of device that OpenAI releases?"

Rulebook: OAIHARDWARE

Summary: OpenAI first hardware

Kalshi Contract Category: Science/Technology ▾

Kalshi Internal Category: Science and Technology ▾

May 29, 2025

## CONCISE EXPLANATION AND ANALYSIS OF THE PRODUCT AND ITS COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ACT, INCLUDING CORE PRINCIPLES AND THE COMMISSION'S REGULATIONS THEREUNDER

Pursuant to Commission Rule 40.2(a)(3)(v), the following is a concise explanation and analysis of the product and its compliance with the Act, including the relevant Core Principles (discussed in Appendix D), and the Commission's regulations thereunder.

### I. Introduction

The "Will <device category> be the first kind of device that OpenAI releases?" Contract is a contract relating to Science and Technology ▾.

Further information about the Contract, including an analysis of its risk mitigation and price basing utility, as well as additional considerations related to the Contract, is included in Confidential Appendices B, C, and D.

Pursuant to Section 5c(c) of the Act and CFTC Regulations 40.2(a), the Exchange hereby certifies that the listing of the Contract complies with the Act and Commission regulations under the Act.

**General Contract Terms and Conditions:** The Contract operates similar to other event contracts that the Exchange lists for trading. The minimum price fluctuation is \$0.01 (one cent). Price bands will apply so that Contracts may only be listed at values of at least \$0.01 and at most \$0.99. Further, the Contract is sized with a one-dollar notional value and has a minimum price fluctuation of \$0.01 to enable Members to match the size of the contracts purchased to their economic risks. As outlined in Rule 5.12 of the Rulebook, trading shall be available at all times outside of any maintenance windows, which will be announced in advance by the Exchange. Members will be charged fees in accordance with Rule 3.6 of the Rulebook. Fees, if they are charged, are charged in such amounts as may be revised from time to time to be reflected on the Exchange's Website. A new Source Agency can be added via a Part 40 amendment. All instructions on how to access the Underlying are non-binding and are provided for convenience only and are not part of

the binding Terms and Conditions of the Contract. They may be clarified at any time. Furthermore, the Contract's payout structure is characterized by the payment of an absolute amount to the holder of one side of the option and no payment to the counterparty. During the time that trading on the Contract is open, Members are able to adjust their positions and trade freely. The Expiration Value and Market Outcome are determined at or after Market Close. The market is then settled by the Exchange, and the long position holders and short position holders are paid according to the Market Outcome. In this case, "long position holders" refers to Members who purchased the "Yes" side of the Contract and "short position holders" refers to Members who purchased the "No" side of the Contract. If the Market Outcome is "Yes," meaning that an event occurs that is encompassed within the Payout Criterion, then the long position holders are paid an absolute amount proportional to the size of their position and the short position holders receive no payment. If the Market Outcome is "No," then the short position holders are paid an absolute amount proportional to the size of their position and the long position holders receive no payment. Specification of the circumstances that would trigger a Market Outcome of "Yes" are included below in the section titled "Payout Criterion" in Appendix A.

CERTIFICATIONS PURSUANT TO SECTION 5c OF THE COMMODITY EXCHANGE  
ACT, 7 U.S.C. § 7A-2 AND COMMODITY FUTURES TRADING COMMISSION RULE  
40.2, 17 C.F.R. § 40.2

Based on the above analysis, the Exchange certifies that:

- The Contract complies with the Act and Commission regulations thereunder.
- This submission (other than those appendices for which confidential treatment has been requested) has been concurrently posted on the Exchange's website at <https://kalshi.com/regulatory/filings>.

Should you have any questions concerning the above, please contact the exchange at [ProductFilings@kalshi.com](mailto:ProductFilings@kalshi.com).



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By: Xavier Sottile  
Title: Head of Markets  
Date: May 29, 2025

Attachments:

- Appendix A - Contract Terms and Conditions
- Appendix B (Confidential) - Further Considerations
- Appendix C (Confidential) - Source Agency
- Appendix D (Confidential) - Compliance with Core Principles

## APPENDIX A – CONTRACT TERMS AND CONDITIONS

Official Product Name: “Will <device category> be the first kind of device that OpenAI releases?”

Rulebook: OAIHARDWARE

## OAIHARDWARE

Scope: These rules shall apply to this contract.

Underlying: The Underlying for this Contract is the device category of the first hardware product publicly released by io (or its successor entity following acquisition by OpenAI), Jony Ive, LoveFrom, or OpenAI that is explicitly marketed as being developed through the collaboration between Jony Ive and OpenAI after Issuance and before <date>. Revisions to the Underlying made after Expiration will not be accounted for in determining the Expiration Value.

Instructions: Device category information can typically be found on official product pages, press releases, and marketing materials from io/OpenAI, or authorized retailers. These instructions on how to access the Underlying are provided for convenience only and are not part of the binding Terms and Conditions of the Contract. They may be clarified at any time.

Source Agency: The Source Agencies are OpenAI/io, Jony Ive, Sam Altman, The New York Times, the Associated Press, Bloomberg News, Reuters, The Wall Street Journal, TechCrunch, The Verge, Wired, Ars Technica, and The Information.

Type: The type of Contract is an Event Contract.

Issuance: After the initial Contract, Contract iterations will be listed on an as-needed basis at the discretion of the Exchange and corresponding to the risk management needs of Members.

<device category>: <device category> refers to a category of consumer electronic device specified by the Exchange, including but not limited to some subset of: Phone, Tablet, Laptop/Computer, Smart Glasses, Smart Watch, Smart Ring, Pendant/Necklace, Pin/Badge/Clip-on device, Earbuds/Headphones, In-ear Translation Devices, Home Assistant/Smart Speaker, Handheld Device (non-phone), Head-mounted Display, Wristband/Bracelet, Belt/Waist-worn device, Clothing-integrated device, Implantable devices into humans, Vehicle-integrated device, Robot, or Other/Novel form factor.

<date>: <date> refers to a calendar date specified by the Exchange. The Exchange may list iterations of the Contract corresponding to variations of <date>.

Payout Criterion: The Payout Criterion for the Contract encompasses the Expiration Values that the first hardware product publicly announced by io/OpenAI that is explicitly marketed as being developed through their collaboration is primarily categorized as <device category>.

The device category will be determined by the primary function and form factor as described in official product announcements and marketing materials. If a device combines multiple

categories (e.g., a combined set of glasses and earbuds), then all relevant categories may resolve to Yes.

Software-only products, services, or updates to existing non-Ive/OpenAI hardware do not meet the Payout Criterion. The device must be physical hardware explicitly developed through the Ive/OpenAI collaboration.

If multiple devices are announced or released simultaneously, all relevant categories may resolve to Yes.

If no device is announced prior to the Expiration Date, all strikes resolve to no. If the Ive/OpenAI partnership dissolves without any device, all strikes resolve to No.

**Minimum Tick:** The Minimum Tick size for the Contract shall be \$0.01.

**Position Accountability Level:** The Position Accountability Level for the Contract shall be \$25,000 per strike, per Member.

**Last Trading Date:** The Last Trading Date of the Contract will be the same as the Expiration Date. The Last Trading Time will be the same as the Expiration time.

**Settlement Date:** The Settlement Date of the Contract shall be no later than the day after the Expiration Date, unless the Market Outcome is under review pursuant to Rule 7.1.

**Expiration Date:** The latest Expiration Date of the Contract shall be <date>. If an event described in the Payout Criterion occurs, expiration will be moved to an earlier date and time in accordance with Rule 7.2.

**Expiration time:** The Expiration time of the Contract shall be 10:00 AM ET.

**Settlement Value:** The Settlement Value for this Contract is \$1.00.

**Expiration Value:** The Expiration Value is the value of the Underlying as documented by the Source Agency on the Expiration Date at the Expiration time.

**Contingencies:** Before Settlement, Kalshi may, at its sole discretion, initiate the Market Outcome Review Process pursuant to Rule 6.3(d) of the Rulebook. If an Expiration Value cannot be determined on the Expiration Date, Kalshi has the right to determine payouts pursuant to Rule 6.3(b) in the Rulebook.

