

091-04195-4

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OMB APPROVAL  
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2009  
0:49

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

JAN 28 2009

### FORM 19b-4(e)

Information Required of a Self-Regulatory Organization Listing and Trading a New  
Derivative Securities Product Pursuant to Rule 19b-4(e) Under the Securities Exchange Act of 1934

**READ ALL INSTRUCTIONS PRIOR TO COMPLETING FORM**

#### Part I Initial Listing Report

- Name of Self-Regulatory Organization Listing New Derivative Securities Product:  
BATS Exchange, Inc.
- Type of Issuer of New Derivative Securities Product (e.g., clearinghouse, broker-dealer, corporation, etc.):  
Trust.
- Class of New Derivative Securities Product:  
Investment company units.
- Name of Underlying Instrument:  
See attached.
- If Underlying Instrument is an Index, State Whether it is Broad-Based or Narrow-Based:  
Broad.
- Ticker Symbol(s) of New Derivative Securities Product:  
See attached.
- Market or Markets Upon Which Securities Comprising Underlying Instrument Trades:  
See attached.
- Settlement Methodology of New Derivative Securities Product:  
Trades locked in at Exchange and settled at NSCC.
- Position Limits of New Derivative Securities Product (if applicable):  
Not applicable.



#### Part II Execution

The undersigned represents that the governing body of the above-referenced Self-Regulatory Organization has duly approved, or has duly delegated its approval to the undersigned for, the listing and trading of the above-referenced new derivative securities product according to its relevant trading rules, procedures, surveillance programs and listing standards.

Name of Official Responsible for Form: Tamara Schademann

**PROCESSED**

Title: Chief Regulatory Officer

FEB 20 2009

Telephone Number: (913) 815-7113

**THOMSON REUTERS**

Manual Signature of Official Responsible for Form:

*Tamara Schademann*

Date: January 27, 2009

Act	Securities Exchange Act of 1934
Section	19b-4
Rule	19b-4(e)
Public Availability:	FEB - 4 2009

ATTACHMENT TO FORM 19b-4(e)  
 FOR NEW DERIVATIVE SECURITIES PRODUCTS ("NDSPs") TRADED ON BATS EXCHANGE, INC.  
 PURSUANT TO UNLISTED TRADING PRIVILEGES COMMENCING ON JANUARY 21, 2009

<b>(6) Ticker Symbol</b>	<b>(4) Name of Underlying Instrument</b>	<b>(7) Market(s) upon Which Securities Comprising Underlying Instrument Trades</b>
DPK	MSCI EAFE Index	Various foreign markets.
DZK	MSCI EAFE Index	Various foreign markets.
EDC	MSCI Emerging Markets Index	Various foreign markets.
EDZ	MSCI Emerging Markets Index	Various foreign markets.
MWJ	Russell MidCap Index	Various U.S. markets.
MWN	Russell MidCap Index	Various U.S. markets.
TYH	Russell 1000 Technology Index	Various U.S. markets.
TYP	Russell 1000 Technology Index	Various U.S. markets.
VT	FTSE All-World Index	Various U.S. and foreign markets.



RECEIVED  
JAN 28 2009  
OFFICE OF THE SECRETARY

January 27, 2009

Ms. Florence E. Harmon  
Deputy Secretary  
Securities and Exchange Commission  
100 F Street, N.E.  
Washington, DC 20549

**RE: Form 19b-4(e) – BATS Exchange, Inc.**

Ms. Harmon,

On behalf of BATS Exchange, Inc., enclosed please find an executed Form 19b-4(e) and 9 copies. The enclosed Form 19b-4(e) contains information regarding nine (9) derivative securities products that commenced trading on BATS Exchange on January 21, 2009. Please contact me or Anders Franzon (913.815.7154) if you have any questions in connection with this matter.

Sincerely,

Tamara Schademann  
Chief Regulatory Officer

<b>Act</b>	<b>Securities Exchange Act of 1934</b>
<b>Section</b>	<b>19b-4</b>
<b>Rule</b>	<b>19b-4(e)</b>
<b>Public Availability:</b>	<b>FEB - 4 2009</b>

**END**