

January 20, 2009

091-05154 Jm

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SECURITIES AND EXCHANGE COMMISSION

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JAN 22 2009

DIVISION OF MARKET REGULATION

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

FORM 19b-4(e)

OMB APPROVAL	
OMB Number:	3235-0504
Expires:	July 31, 2004
Estimated average burden hours per response:	2.00

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



09050972

- Name of Self-Regulatory Organization Listing New Derivative Securities Product:  
**NASDAQ OMX BX, Inc. (traded pursuant to unlisted trading privileges)**
- Type of Issuer of New Derivative Securities Product (e.g., clearinghouse, broker-dealer, corporation, etc.):  
**Open End Management Investment Company**
- Class of New Derivative Securities Product:  
**Index Fund Shares**
- Name of Underlying Instrument:  
**Mergent Dividend Achievers 50 Index**
- If Underlying Instrument is an Index, State Whether it is Broad-Based or Narrow-Based:  
**Broad-based**
- Ticker Symbol(s) of New Derivative Securities Product:  
**PEY**
- Market or Markets Upon Which Securities Comprising Underlying Instrument Trades:  
**Listed on: NYSE Alternext, NASDAQ, NYSE**
- Settlement Methodology of New Derivative Securities Product:  
**Regular way trades settle on T + 3 (cash settled)**
- Position Limits of New Derivative Securities Product (if applicable):  
**N/A**

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:

**Joan C. Conley**

Title:

**Secretary**

Telephone Number:

**+1 301 978-8735**

Manual Signature of Official Responsible for Form:

Date: **January 20, 2009**

Act	<b>Securities Exchange Act of 1934</b>
Section	<b>19b-4</b>
Rule	<b>19b-4(e)</b>
Public	<b>JAN 22 2009</b>
Availability:	