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**UNITED STATES** 

SECURITIES AND EXCHANGE COMMISSION DIVISION OF TRADING & MARKETS

Washington, D.C. 20549

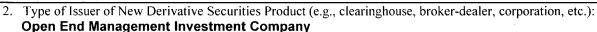
FORM 19b-4(e)

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** 

1. Name of Self-Regulatory Organization Listing New Derivative Securities Product: NASDAQ OMX BX, Inc. (traded pursuant to unlisted trading privileges)



3. Class of New Derivative Securities Product:

**Exchange Traded Fund** 

4. Name of Underlying Instrument:

Actively managed portfolio of securities

5. If Underlying Instrument is an Index, State Whether it is Broad-Based or Narrow-Based:

Narrow-based

6. Ticker Symbol(s) of New Derivative Securities Product:

7. Market or Markets Upon Which Securities Comprising Underlying Instrument Trades:

Listed on: OTC

8. Position Limits of New Derivative Securities Product (if applicable):

Regular way trades settle on T + 3 (cash settled)

9. 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 Conley

Title:

Secretary

Telephone Number:

301-978-8735

Manual Signature of Official Responsible for Form:

Date: January 28, 2010

Securities Exchange Act of 1934

SEC 2449 (6-0<sup>-</sup>

19b-4 Section 19b-4(e) Rule

Public Availability:

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