

091-08310m

For Internal Use Only

Submit 1 Original
and 9 Copies

OMB APPROVAL	
OMB Number:	3235-0504
Expires:	August 31, 2010
Estimated average burden hours per response.....	3.60

Sec File No. 9-

RECEIVED

UNITED STATES

2010 APR 14 AM 10:54

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

SEC / TM

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



10046936

1. Name of Self-Regulatory Organization Listing New Derivative Securities Product:
BATS Exchange, Inc.

2. Type of Issuer of New Derivative Securities Product (e.g., clearinghouse, broker-dealer, corporation, etc.):
See attached.

3. Class of New Derivative Securities Product:
See attached.

4. Name of Underlying Instrument:
See attached.

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

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

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

8. Settlement Methodology of New Derivative Securities Product:
Trades locked in at Exchange and settled at NSCC.

9. 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

Title: SVP, Chief Regulatory Officer

Telephone Number: (913) 815-7113

Manual Signature of Official Responsible for Form:

Tamara Schademann

Date: April 13, 2010

ATTACHMENT TO FORM 19b-4(e)
 FOR NEW DERIVATIVE SECURITIES PRODUCTS ("NDSPs") TRADED ON BATS EXCHANGE, INC.
 PURSUANT TO UNLISTED TRADING PRIVILEGES COMMENCING ON APRIL 9, 2010

<u>(6) Ticker Symbol</u>	<u>(2) Type of Issuer of NDSP</u>	<u>(3) Class of NDSP</u>	<u>(4) Name of Underlying Instrument</u>	<u>(7) Market(s) upon Which Securities Comprising Underlying Instrument Trades</u>	<u>(5) Broad or Narrow</u>
BIB	Trust	Investment company units	Nasdaq Biotechnology Index	Various U.S. markets	Broad
BIS	Trust	Investment company units	Nasdaq Biotechnology Index	Various U.S. markets	Broad
XLBS	Trust	Investment company units	S&P SmallCap Materials Portfolio Index	Various U.S. markets	Broad
XLES	Trust	Investment company units	S&P SmallCap Energy Portfolio Index	Various U.S. markets	Broad
XLFS	Trust	Investment company units	S&P SmallCap Financials Portfolio Index	Various U.S. markets	Broad
XLIS	Trust	Investment company units	S&P SmallCap Industrials Portfolio Index	Various U.S. markets	Broad
XLKS	Trust	Investment company units	S&P SmallCap Information Technology Portfolio Index	Various U.S. markets	Broad
XLPS	Trust	Investment company units	S&P SmallCap Consumer Staples Portfolio Index	Various U.S. markets	Broad
XLUS	Trust	Investment company units	S&P SmallCap Utilities Portfolio Index	Various U.S. markets	Broad
XLVS	Trust	Investment company units	S&P SmallCap Health Care Portfolio Index	Various U.S. markets	Broad
XLYS	Trust	Investment company units	S&P SmallCap Consumer Discretionary Portfolio Index	Various U.S. markets	Broad



RECEIVED
2010 APR 14 AM 10:54
SEC / TM

April 13, 2010

Ms. Gail Jackson
Mail Stop 6628
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549

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

Ms. Jackson,

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 eleven (11) derivative securities products that commenced trading on BATS Exchange on April 9, 2010. Please contact me or Anders Franzon (913.815.7154) if you have any questions in connection with this matter.

Sincerely,

Tamara Schademann
SVP, Chief Regulatory Officer
913.815.7113

Act	Securities Exchange Act of 1934
Section	19b-4
Rule	19b-4(e)
Public	
Availability:	APR 14 2010