

October 8, 2010

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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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



10065741

Part I

Initial Listing Report

1. Name of Self-Regulatory Organization Listing New Derivative Securities Product:  
**NASDAQ OMX PHLX, Inc. (traded pursuant to unlisted trading privileges)**
2. Type of Issuer of New Derivative Securities Product (e.g., clearinghouse, broker-dealer, corporation, etc.):  
**Open End Management Investment Company**
3. Class of New Derivative Securities Product:  
**Index Fund Shares**
4. Name of Underlying Instrument:  
**Dynamic Consumer Discretionary Sector Intellidex Index**
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:  
**PEZ**
7. Market or Markets Upon Which Securities Comprising Underlying Instrument Trades:  
**Listed on: NASDAQ, NYSE**
8. Settlement Methodology of New Derivative Securities Product:  
**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: **October 8, 2010**

Act **Securities Exchange Act of 1934**

Section **19b-4**

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

Availability: **Public**

**OCT 13 2010**