

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



10066045

Part I Initial Listing Report

- Name of Self-Regulatory Organization Listing New Derivative Securities Product:  
**NASDAQ OMX PHLX, 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:  
**Exchange Traded Fund**
- Name of Underlying Instrument:  
**Bank of America - Merrill Lynch Equal Sector Weight 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:  
**EQL**
- Market or Markets Upon Which Securities Comprising Underlying Instrument Trades:  
**Listed on: NYSE, NASDAQ, NYSE Arca**
- 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: <b>Joan Conley</b>	Act <b>Securities Exchange Act of 1934</b>
Title: <b>Secretary</b>	Section <b>19b-4</b>
	Rule <b>19b-4(e)</b>
Telephone Number: <b>301 978-8735</b>	Public <b>02/13/2010</b>
	Availability:

Manual Signature of Official Responsible for Form:

Date: **October 8, 2010**