Required	OMB Number: 3235-0045 Estimated average burden hours per response				
WASHING		DEXCHANGE COMMISSI GTON, D.C. 20549 Form 19b-4	ON File No Amendment No. (req. fo	D.* SR - 2017 - * 07	
Filing by Nasdag MRX, LLC					
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934					
Initial * ✓	Amendment * Withdrawal	Section 19(b)(2) *	Section 19(b)(3)(A) * Rule	Section 19(b)(3)(B) *	
Pilot	Extension of Time Period for Commission Action *		19b-4(f)(1)   19b-4(f)(4)     19b-4(f)(2)   19b-4(f)(4)     19b-4(f)(3)   ✓	5)	
Notice	of proposed change pursuant to the Payment, Clea	ring, and Settlement Act of		wap Submission pursuant	
Sectior	806(e)(1) * Section 806(e)(2)	*	to the Securities E Section 3C(b	ixchange Act of 1934 )(2) *	
Exhibit 2 Sent As Paper Document Exhibit 3 Sent As Paper Document					
Description					
Provide a brief description of the action (limit 250 characters, required when Initial is checked *).					
A proposal to amend Chapter 19 to notify members of a systems issue related to Flash allocations.					
Contact Information					
Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the action.					
Firet N	ame * Adrian	Last Name * Griffiths			
Title *	Sr. Associate General Counsel				
E-mail	E-mail * adrian.griffiths@nasdaq.com				
Teleph	one * (212) 231-5176 Fax				
Signature					
Pursuant to the requirements of the Securities Exchange Act of 1934,					
has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized.					
(Title *)					
	06/06/2017	Executive Vice Presiden	t and General Counsel		
Ву	Edward S. Knight				
(Name *) NOTE: Clicking the button at right will digitally sign and lock this form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.					

OMB APPROVAL

SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549				
For complete Form 19b-4 instructions please refer to the EFFS website.				
Form 19b-4 Information *   Add Remove   View	The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.			
Exhibit 1 - Notice of Proposed Rule Change * Add Remove View	The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)			
Exhibit 1A- Notice of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice by Clearing Agencies * Add Remove View	The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change, security-based swap submission, or advance notice being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)			
Exhibit 2 - Notices, Written Comments, Transcripts, Other Communications     Add   Remove   View     Exhibit Sent As Paper Document	Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.			
Exhibit 3 - Form, Report, or Questionnaire     Add   Remove   View     Exhibit Sent As Paper Document	Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.			
Exhibit 4 - Marked CopiesAddRemoveView	The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.			
Add Remove View	The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change.			
Partial Amendment   Add Remove   View	If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.			

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# 1. <u>Text of the Proposed Rule Change</u>

(a) The Nasdaq MRX, LLC ("ISE" or "Exchange"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> is filing with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change to amend Chapter 19 to notify members of a systems issue related to allocations made pursuant to Supplementary Material .02(a)-(b) to Rule 1901.

A notice of the proposed rule change for publication in the <u>Federal Register</u> is attached as <u>Exhibit 1</u>. The text of the proposed rule change is attached as <u>Exhibit 5</u>.

- (b) Not applicable.
- (c) Not applicable.

#### 2. <u>Procedures of the Self-Regulatory Organization</u>

The proposed rule change was approved by senior management of the Exchange pursuant to authority delegated by the Board of Directors of the Exchange (the "Board") on August 15, 2016. Exchange staff will advise the Board of any action taken pursuant to delegated authority. No other action is necessary for the filing of the rule change.

Questions and comments on the proposed rule change may be directed to:

Adrian Griffiths Senior Associate General Counsel Nasdaq, Inc. 212-231-5176

<sup>2</sup> 17 CFR 240.19b-4.

<sup>&</sup>lt;sup>1</sup> 15 U.S.C. 78s(b)(1).

# 3. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis</u> for, the Proposed Rule Change

a. <u>Purpose</u>

The purpose of the proposed rule change is to amend Chapter 19 to notify members of a systems issue related to allocations made pursuant to Supplementary Material .02(a)-(b) to Rule 1901 ("Flash auction"). Pursuant to Supplementary Material .02 to Rule 1901, when the automatic execution of an incoming order would result in an impermissible Trade Through,<sup>3</sup> such order is exposed at the current national best bid or offer ("NBBO") to all members, and members are given an opportunity to enter responses up to the size of the order being exposed. Supplementary Material .02(a)-(b) to Rule 1901 provides that interest executed in the Flash auction is allocated in price priority, and, at the same price, Priority Customer orders will be executed first in time priority and then all other interest (orders, quotes, and responses) will be allocated prorata based on size. Currently, however, the system is erroneously providing the Primary Market Maker ("PMM") an enhanced allocation after Priority Customer Orders on the book, and ahead of Responses, Professional Orders, and other market maker quotes. Specifically, the PMM is being erroneously given participation rights in a Flash auction pursuant to Supplementary Material .01(b)-(c) to Rule 713, which results in the PMM receiving a potentially larger share of the order to be executed. That is, if the PMM is quoting at the best price and the conditions in Supplementary Material .01(b)-(c) to Rule 713 are satisfied, the PMM is given participation rights equal to the greater of (i) the proportion of the total size at the best price represented by the size of its quote, or (ii)

<sup>&</sup>lt;sup>3</sup> "Trade-Through" means a transaction in an option series at a price that is lower than a Protected Bid or higher than a Protected Offer. <u>See</u> Rule 1900(q).

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sixty percent (60%) of the contracts to be allocated if there is only one (1) other Professional Order or market maker quotation at the best price, forty percent (40%) if there are two (2) other Professional Orders and/or market maker quotes at the best price, and thirty percent (30%) if there are more than two (2) other Professional Orders and/or market maker quotes at the best price. Alternatively, orders for five (5) contracts or fewer will be executed first by the PMM, if he is present at that price.

This enhanced allocation was intended for the PMM when orders are allocated in the regular market, and not for the allocation of an order exposed pursuant to Supplementary Material .02 to Rule 1901 (i.e., the Flash auction). The Exchange has notified members and the Commission of this systems issue pursuant to Regulation SCI. The purpose of the proposed rule change is to provide additional notification to members by noting in Chapter 19 of the Exchange's rulebook the discrepancy between the allocation described in the rule and the allocation currently being given by the Exchange's trading system. The Exchange is currently migrating its trading system to the Nasdaq INET architecture, and the allocation issue will be resolved as symbols start trading on INET in Q3 2017. In the interim, the Exchange proposes to add language to Chapter 19 to notify members that until such time as symbols are migrated to INET, Flash auction allocations pursuant to Supplementary Material .02(a)-(b) to Rule 1901 will not be provided as described in that rule. Instead, PMM quotes will be given a Flash auction allocation pursuant to Supplementary Material .01(b)-(c) to Rule 713 after Priority Customer Orders on the book, and ahead of Responses, Professional Orders, and other market maker quotes, until such time as symbols are migrated to the INET trading

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system. The Exchange believes that this language will reduce member confusion regarding how allocations will be processed prior to the resolution of this systems issue.

#### b. <u>Statutory Basis</u>

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.<sup>4</sup> In particular, the proposal is consistent with Section 6(b)(5) of the Act,<sup>5</sup> because is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because the proposed rule language more accurately reflects the way contracts will be allocated in the Flash auction until the systems issue is resolved. Due to a systems issue, allocations in the Flash auction do not take place in the manner described in Supplementary Material .02(a)-(b) to Rule 1901. The proposed rule change makes this clear in the Exchange's rules, and supplements notifications given to members and the Commission pursuant to Regulation SCI. While the Exchange intends to allocate contracts in the Flash auction as described in Supplementary Material .02(a)-(b) to Rule 1901, the Exchange is taking this temporary measure to ensure that members are properly notified of the current system behavior. The proposed rule change does not make any permanent changes to the Exchange's treatment

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>&</sup>lt;sup>5</sup> 15 U.S.C. 78f(b)(5).

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of Flash auction allocations, which will be processed correctly when the Exchange migrates its trading system to INET in Q3 2017. The Exchange believes that the proposed rule change will promote just and equitable principles of trade since it is a temporary change, and is designed solely to provide additional notification and clarity to members of the Flash auction allocation issue. The Exchange intends to amend the manner in which the system operates to conform to the current rule text as symbols migrate to INET in Q3 2017.

#### 4. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

In accordance with Section 6(b)(8) of the Act,<sup>6</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to more accurately reflect the way the trading system allocates contracts in the Flash auction today, and is not intended to be a permanent rule of the Exchange. The Flash auction allocation will be corrected with the migration of the Exchange to INET technology, and the proposed rule change is being filed solely to provide additional notice to members in the interim. The proposed rule change is therefore not designed to impose any significant burden on competition.

# 5. <u>Self-Regulatory Organization's Statement on Comments on the Proposed Rule</u> <u>Change Received from Members, Participants, or Others</u>

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

<sup>6</sup> 15 U.S.C. 78f(b)(8).

# <u>Extension of Time Period for Commission Action</u> Not Applicable.

# 7. <u>Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated</u> <u>Effectiveness Pursuant to Section 19(b)(2)</u>

Pursuant to Section 19(b)(3)(A) of the Act,<sup>7</sup> and Rule 19b-4(f)(6)<sup>8</sup> thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

The Exchange believes that the proposed rule change is consistent with the public interest and the protection of investors, and will not impose any significant burden on competition as it merely clarifies the way that Flash auctions are allocated today. Specifically, due to a systems issue, Flash auctions are not allocated in accordance with Supplementary Material .02(a)-(b) to Rule 1901, and are instead erroneously providing

<sup>&</sup>lt;sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>&</sup>lt;sup>8</sup> 17 CFR 240.19b-4(f)(6).

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an enhanced allocation to the PMM. The proposed rule change clarifies the way that allocations are handled for Flash auctions until such time as the Exchange fully migrates to its INET trading system. The allocation procedure described in this proposed rule change is only temporary, and is designed to provide additional notice to members of a systems issue affecting Flash auctions executed on the current trading system. The Exchange intends to amend the manner in which the system operates to conform to the current rule text as symbols migrate to INET in Q3 2017. The Exchange will remove the rule language when it has fully migrated to INET, and the systems issue described in this proposed rule change has been resolved. The Exchange therefore believes that the proposed rule change qualifies for immediate effectiveness as a "non-controversial" rule change.

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of filing. Rule 19b-4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the operative delay. Waiver of the operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to immediately change its rules to reflect the allocation methodology in place for Flash auctions today. This allocation methodology will be fixed in the upcoming INET migration, and the Exchange is filing this proposed rule change now to provide additional notice to members about the current handling of orders and quotes executed in a Flash auction.

Furthermore, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five

business days prior to the date of filing of the proposed rule change, or such shorter time

as designated by the Commission. The Exchange has satisfied this requirement.

8. <u>Proposed Rule Change Based on Rules of Another Self-Regulatory Organization</u> <u>or of the Commission</u>

The proposed rule change is not based on the rules of another self-regulatory

organization

- Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act Not applicable.
- 10. <u>Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and</u> <u>Settlement Supervision Act</u>

Not applicable.

- 11. <u>Exhibits</u>
  - 1. Notice of Proposed Rule Change for publication in the <u>Federal Register</u>.
  - 5. Text of the proposed rule change.

# **EXHIBIT 1**

SECURITIES AND EXCHANGE COMMISSION (Release No. ; File No. SR-MRX-2017-07)

June \_\_\_, 2017

# Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Chapter 19

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and

Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 6, 2017, Nasdaq MRX, LLC

("MRX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or

"Commission") the proposed rule change as described in Items I, II, and III, below,

which Items have been prepared by the Exchange. The Commission is publishing this

notice to solicit comments on the proposed rule change from interested persons.

I. <u>Self-Regulatory Organization's Statement of the Terms of Substance of the</u> <u>Proposed Rule Change</u>

The Exchange proposes to amend Chapter 19 to notify members of a systems issue related to allocations made pursuant to Supplementary Material .02(a)-(b) to Rule 1901.

The text of the proposed rule change is available on the Exchange's Website at <u>www.ise.com</u>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>&</sup>lt;sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>&</sup>lt;sup>2</sup> 17 CFR 240.19b-4.

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#### II. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis</u> for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory</u> <u>Basis for, the Proposed Rule Change</u>

#### 1. <u>Purpose</u>

The purpose of the proposed rule change is to amend Chapter 19 to notify members of a systems issue related to allocations made pursuant to Supplementary Material .02(a)-(b) to Rule 1901 ("Flash auction"). Pursuant to Supplementary Material .02 to Rule 1901, when the automatic execution of an incoming order would result in an impermissible Trade Through,<sup>3</sup> such order is exposed at the current national best bid or offer ("NBBO") to all members, and members are given an opportunity to enter responses up to the size of the order being exposed. Supplementary Material .02(a)-(b) to Rule 1901 provides that interest executed in the Flash auction is allocated in price priority, and, at the same price, Priority Customer orders will be executed first in time priority and then all other interest (orders, quotes, and responses) will be allocated prorata based on size. Currently, however, the system is erroneously providing the Primary Market Maker ("PMM") an enhanced allocation after Priority Customer Orders on the book, and ahead of Responses, Professional Orders, and other market maker quotes.

"Trade-Through" means a transaction in an option series at a price that is lower than a Protected Bid or higher than a Protected Offer. <u>See</u> Rule 1900(q).

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Specifically, the PMM is being erroneously given participation rights in a Flash auction pursuant to Supplementary Material .01(b)-(c) to Rule 713, which results in the PMM receiving a potentially larger share of the order to be executed. That is, if the PMM is quoting at the best price and the conditions in Supplementary Material .01(b)-(c) to Rule 713 are satisfied, the PMM is given participation rights equal to the greater of (i) the proportion of the total size at the best price represented by the size of its quote, or (ii) sixty percent (60%) of the contracts to be allocated if there is only one (1) other Professional Order or market maker quotation at the best price, forty percent (40%) if there are two (2) other Professional Orders and/or market maker quotes at the best price, and thirty percent (30%) if there are more than two (2) other Professional Orders and/or market maker quotes at the best price. Alternatively, orders for five (5) contracts or fewer will be executed first by the PMM, if he is present at that price.

This enhanced allocation was intended for the PMM when orders are allocated in the regular market, and not for the allocation of an order exposed pursuant to Supplementary Material .02 to Rule 1901 (i.e., the Flash auction). The Exchange has notified members and the Commission of this systems issue pursuant to Regulation SCI. The purpose of the proposed rule change is to provide additional notification to members by noting in Chapter 19 of the Exchange's rulebook the discrepancy between the allocation described in the rule and the allocation currently being given by the Exchange's trading system. The Exchange is currently migrating its trading system to the Nasdaq INET architecture, and the allocation issue will be resolved as symbols start trading on INET in Q3 2017. In the interim, the Exchange proposes to add language to Chapter 19 to notify members that until such time as symbols are migrated to INET, Flash auction allocations pursuant to Supplementary Material .02(a)-(b) to Rule 1901 will not be provided as described in that rule. Instead, PMM quotes will be given a Flash auction allocation pursuant to Supplementary Material .01(b)-(c) to Rule 713 after Priority Customer Orders on the book, and ahead of Responses, Professional Orders, and other market maker quotes, until such time as symbols are migrated to the INET trading system. The Exchange believes that this language will reduce member confusion regarding how allocations will be processed prior to the resolution of this systems issue.

#### 2. <u>Statutory Basis</u>

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.<sup>4</sup> In particular, the proposal is consistent with Section 6(b)(5) of the Act,<sup>5</sup> because is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because the proposed rule language more accurately reflects the way contracts will be allocated in the Flash auction until the systems issue is resolved. Due to a systems issue, allocations in the Flash auction do not take place in the manner described in Supplementary Material .02(a)-(b) to Rule 1901. The proposed rule change makes this clear in the Exchange's rules, and supplements

<sup>&</sup>lt;sup>4</sup> 15 U.S.C. 78f(b).

<sup>&</sup>lt;sup>5</sup> 15 U.S.C. 78f(b)(5).

notifications given to members and the Commission pursuant to Regulation SCI. While the Exchange intends to allocate contracts in the Flash auction as described in Supplementary Material .02(a)-(b) to Rule 1901, the Exchange is taking this temporary measure to ensure that members are properly notified of the current system behavior. The proposed rule change does not make any permanent changes to the Exchange's treatment of Flash auction allocations, which will be processed correctly when the Exchange migrates its trading system to INET in Q3 2017. The Exchange believes that the proposed rule change will promote just and equitable principles of trade since it is a temporary change, and is designed solely to provide additional notification and clarity to members of the Flash auction allocation issue. The Exchange intends to amend the manner in which the system operates to conform to the current rule text as symbols migrate to INET in Q3 2017.

# B. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

In accordance with Section 6(b)(8) of the Act,<sup>6</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to more accurately reflect the way the trading system allocates contracts in the Flash auction today, and is not intended to be a permanent rule of the Exchange. The Flash auction allocation will be corrected with the migration of the Exchange to INET technology, and the proposed rule change is being filed solely to provide additional notice to members in the interim. The proposed rule change is therefore not designed to impose any significant burden on competition.

<sup>6</sup> 15 U.S.C. 78f(b)(8).

C. <u>Self-Regulatory Organization's Statement on Comments on the Proposed</u> <u>Rule Change Received from Members, Participants, or Others</u>

No written comments were either solicited or received.

# III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>7</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>8</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

<sup>&</sup>lt;sup>7</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>&</sup>lt;sup>8</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

#### Electronic comments:

- Use the Commission's Internet comment form (<u>http://www.sec.gov/rules/sro.shtml</u>); or
- Send an e-mail to <u>rule-comments@sec.gov</u>. Please include File Number SR-MRX-2017-07 on the subject line.

Paper comments:

 Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-MRX-2017-07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (http://www.sec.gov/rules/sro.shtml).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-MRX-2017-07 and should be submitted on or before [insert date 21 days from publication in the <u>Federal Register</u>].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

Robert W. Errett Deputy Secretary

<sup>&</sup>lt;sup>9</sup> 17 CFR 200.30-3(a)(12).

<u>Text of the Proposed Rule Change</u> <u>Underlining</u> indicates additions; [brackets] indicate deletions.

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\*

#### **CHAPTER 19**

#### **Intermarket Linkage**

Nasdaq MRX will migrate symbols to the INET platform pursuant to a symbol migration commencing in Q3 2017. The Exchange will specify the symbol migration schedule in an Options Trader Alert to be issued by the Exchange. Due to a systems issue, until such time as symbols are migrated to INET, Flash auction allocations pursuant to Supplementary Material .02(a)-(b) to Rule 1901 will not be provided as described in that rule. Specifically, until such time as symbols are migrated to the INET trading system, Primary Market Maker quotes will be given a Flash auction allocation pursuant to Supplementary Material .01(b)-(c) to Rule 713 after Priority Customer Orders on the book, and ahead of Responses, Professional Orders, and other market maker quotes. Once a symbol has started trading on INET, contracts executed in a Flash auction will be allocated correctly pursuant to Supplementary Material .02 to Rule 1901.

The rules contained in Nasdaq ISE Chapter 19, as such rules may be in effect from time to time (the "Chapter 19 Rules"), are hereby incorporated by reference into this Nasdaq MRX Chapter 19, and are thus Nasdaq MRX Rules and thereby applicable to Nasdaq MRX Members. Nasdaq MRX Members shall comply with the Chapter 19 Rules as though such rules were fully-set forth herein. All defined terms, including any variations thereof, contained in the Chapter 19 Rules shall be read to refer to the Nasdaq MRX-related meaning of such term. Solely by way of example, and not in limitation or in exhaustion: the defined term "Exchange" in the Chapter 19 Rules shall be read to refer to Nasdaq MRX; the defined term "Rule" in the Chapter 19 Rules shall be read to refer to the Nasdaq MRX Rule; the defined term "Bid" in the Chapter 19 Rules shall be read to refer to the Nasdaq MRX Bid; and the defined term "Member" in the Chapter 19 Rules shall be read to refer to the Nasdaq MRX Member.

\* \* \*