| Page 1 of * 14 SECURITES AND EXCHANCE COMMISSION WASHINGTON. D.C. 20549 Form 19b-4 File No.* SR - 2018 - * 018 Amendment No. (req. for Amendments *) Fling by The Nasdaq Stock Market LLC Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 Initial * Amendment * Withdrawal Initial * Amendment * Initial * Initi | OMB Number: 3235-004 Estimated average burden hours per response | | | | | | | |
|---|---|---|--------------------------|------------------|---------|--------------------|-----------------|-----------------------|
| Pursuent to Rule 19b-4 under the Securities Exchange Act of 1934 Initial * Amendment * Withdrawal Section 19(b)(2) * Section 19(b)(3)(A) * Section 19(b)(3)(B) * Rule Pilot Extension of Time Period Pilot (1) 19b-40(02) 19b-40(02) 19b-40(02) Notice of proposed change pursuant to the Payment, Clearing, and Settlement Act of 2010 Section 30(b)(2) * 19b-40(02) Section 806(e)(1) * Section 806(e)(2) * Section 30(b)(2) * Section 30(b)(2) * Exhet 2 Sert. As Paper Document Exhet 3 Sert As Paper Document Section 30(b)(2) * Description Exhet 3 Sert As Paper Document Section 30(b)(2) * Provide a brief description of the action (limit 250 characters, required when Initial is checked *). A proposed rule change to relocate the Nasdag Options Market LLC data feed offerings 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. First Name * Angela Seccomandi Last Name * Durin Tife * Pincipal Associate General Counsel E-mail * angela.durin Brasdaq.com Tife * Pincipal Associate General Counsel E-mail * angela.durin Brasdaq.com Tife * Pincipal Associate General Counsel E | WASHIN | | | GTON, D.C. 20549 | | | | |
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| 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. First Name * Angela Saccomandi Last Name * Dunn Title * Principal Associate General Counsel E-mail * angela.dunn@nasdaq.com Telephone * (215) 496-5692 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. Date 02/22/2018 Executive Vice President and General Counsel | | | | | | | | |
| Title * Principal Associate General Counsel E-mail * angela.dunn@nasdaq.com Telephone * (215) 496-5692 Fax | Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization | | | | | | | |
| Title * Principal Associate General Counsel E-mail * angela.dunn@nasdaq.com Telephone * (215) 496-5692 Fax | First N | ame * Angela Saccoma | ındi | Last Name * | Dunn | | | |
| Telephone * (215) 496-5692 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 *) Date 02/22/2018 | Title * | Principal Associa | ate General Counsel | | | | | |
| 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 *) Date 02/22/2018 | E-mail | E-mail * angela.dunn@nasdaq.com | | | | | | |
| 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 *) Date 02/22/2018 Executive Vice President and General Counsel | Teleph | one * (215) 496-5692 | Fax | | | | | |
| (Title *) Date 02/22/2018 Executive Vice President and General Counsel | Pursuant to the requirements of the Securities Exchange Act of 1934, | | | | | | | |
| Date 02/22/2018 Executive Vice President and General Counsel | | | | | | | | |
| By Edward S. Knight | Date | 02/22/2018 | | Executive Vice | , | , | neral Counsel | |
| | Ву | Edward S. Knight | ard 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. | this form | (Name *) Clicking the button at right wil . A digital signature is as leg | edward.knight@nasdaq.com | | | | | |

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. | | | | | |

SR-NASDAQ-2018-016

Page 3 of 14

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

(a) The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² is filing with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change to relocate the Nasdaq Options Market LLC ("NOM") data feed offerings currently located at Chapter VI, Section 1(a)(3) to Chapter VI, Section 19(a) which is currently reserved, and entitle it "Data Feeds."

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 (the "Board") on September 19, 2017. 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:

Angela Saccomandi Dunn Principal Associate General Counsel Nasdaq, Inc. 215-496-5692.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 Exchange proposes to relocate the data feeds currently listed in Chapter VI, Section 1(a)(3) to Chapter VI, Section 19(a) which is currently reserved, and entitle it "Data Feeds."

The Exchange considers it is appropriate to move these data feed offerings to a separate rule to better organize its Rulebook and facilitate future cross-references. The Exchange notes that the changes proposed in this filing are of a non-substantive nature.

Specifically, the Exchange proposes to rename Section 19 as "Data Feeds" and add the definitions for Nasdaq ITCH to Trade Options ("ITTO")³ and Best of Nasdaq Options ("BONO")⁴ which are currently contained at Chapter VI, Section 1(a)(3). The Exchange also proposes to add an "and" to the end of Chapter VI, Section 1(a)(2) and a cross reference citation to Chapter 19 at Chapter VI, Section 1(a)(3) to point to the proposed rule for the list of data offerings.

b. <u>Statutory Basis</u>

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),⁵ in general, and furthers the

³ The ITTO data feed provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8.

⁴ The BONO data feed provides the NOM Best Bid and Offer and last sale information for trades executed on NOM.

⁵ 15 U.S.C. 78f(b).

Page 5 of 14

objectives of Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest, by improving the way its Rulebook is organized, providing ease of reference in locating data feed offerings and providing greater transparency to its rules. As previously stated, the proposed rule relocation is nonsubstantive and is concerned solely with the administration of the Exchange.

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

In accordance with Section 6(b)(8) of the Act,⁷ the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal does not impose an undue burden on competition, rather the proposal seeks to improve its Rulebook's clarity and make non-substantive rule changes.

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.

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

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78f(b)(8).

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>

The foregoing rule change has become effective pursuant to Section $19(b)(3)(A)(iii)^8$ of the Act and Rule 19b-4(f)(6) thereunder⁹ in that it 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.

The Exchange believes that this proposal does not significantly affect the protection of investors or the public interest, nor does it impose any significant burden on competition because the Exchange, as explained, is improving the organization of its Rulebook by making non-substantive changes and providing an ease of reference in locating the Exchange's data feed offerings within the Rulebook.

Furthermore, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided such notice.

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

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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 30-day operative delay contained in Rule 19b-4(f)(6)(iii) so that it may relocate this rule immediately. The Exchange believes that it is important for it to be able to manage the administration of its rules on an immediately effective basis.

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

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

organization or of the Commission.

- 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-NASDAQ-2018-016)

February ___, 2018

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Relocate the Nasdaq Options Market LLC ("NOM") Data Feed Offerings

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 22, 2018, The Nasdaq Stock Market LLC ("Nasdaq" 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 relocate the Nasdaq Options Market LLC ("NOM") data feed offerings currently located at Chapter VI, Section 1(a)(3) to Chapter VI, Section 19(a) which is currently reserved, and entitle it "Data Feeds."

The text of the proposed rule change is available on the Exchange's Website at http://nasdaq.cchwallstreet.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 Exchange proposes to relocate the data feeds currently listed in Chapter VI, Section 1(a)(3) to Chapter VI, Section 19(a) which is currently reserved, and entitle it "Data Feeds."

The Exchange considers it is appropriate to move these data feed offerings to a separate rule to better organize its Rulebook and facilitate future cross-references. The Exchange notes that the changes proposed in this filing are of a non-substantive nature.

Specifically, the Exchange proposes to rename Section 19 as "Data Feeds" and add the definitions for Nasdaq ITCH to Trade Options ("ITTO")³ and Best of Nasdaq Options ("BONO")⁴ which are currently contained at Chapter VI, Section 1(a)(3). The Exchange also proposes to add an "and" to the end of Chapter VI, Section 1(a)(2) and a

³ The ITTO data feed provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8.

⁴ The BONO data feed provides the NOM Best Bid and Offer and last sale information for trades executed on NOM.

Page 10 of 14

cross reference citation to Chapter 19 at Chapter VI, Section 1(a)(3) to point to the proposed rule for the list of data offerings.

2. <u>Statutory Basis</u>

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest, by improving the way its Rulebook is organized, providing ease of reference in locating data feed offerings and providing greater transparency to its rules. As previously stated, the proposed rule relocation is non-substantive and is concerned solely with the administration of the Exchange.

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

In accordance with Section 6(b)(8) of the Act,⁷ the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal does not impose an undue burden on competition, rather the proposal seeks to improve its Rulebook's clarity and make non-substantive rule changes.

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.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78f(b)(8).

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 Act⁸ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁹

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:

Electronic comments:

• Use the Commission's Internet comment form

(http://www.sec.gov/rules/sro.shtml); or

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 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.

 Send an e-mail to <u>rule-comments@sec.gov</u>. Please include File Number SR-NASDAQ-2018-016 on the subject line.

Paper comments:

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

All submissions should refer to File Number SR-NASDAQ-2018-016. 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-NASDAQ-2018-016 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.¹⁰

Eduardo A. Aleman Assistant Secretary

¹⁰ 17 CFR 200.30-3(a)(12).

EXHIBIT 5

New text is underlined; deleted text is in brackets.

The Nasdaq Stock Market Rules

* * * * *

Chapter VI Trading Systems

Sec. 1 Definitions

(a) No change.

(1) No change.

(2) a trade reporting service that submits "locked-in" trades for clearing to a registered clearing agency for clearance and settlement; transmits last-sale reports of transactions automatically to the Options Price Reporting Authority for dissemination to the public and industry; and provides participants with monitoring and risk management capabilities to facilitate participation in a "locked-in" trading environment; and

(3) [T]the [following] data feeds[:] described in Section 19.

[(A) Nasdaq ITCH to Trade Options (ITTO) - A data feed that provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8.

(B) Best of Nasdaq Options (BONO) - A data feed that provides the NOM Best Bid and Offer and last sale information for trades executed on NOM.]

* * * * *

Sec. 19 [Reserved.]Data Feeds

[Reserved.]

(a) The following data feeds are offered by the Exchange:

(1) Nasdaq ITCH to Trade Options (ITTO) - A data feed that provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8.

(2) Best of Nasdaq Options (BONO) - A data feed that provides the NOM Best Bid and Offer and last sale information for trades executed on NOM.

* * * * *