



SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EFS website.

**Form 19b-4 Information**

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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**

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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 2 - Notices, Written Comments, Transcripts, Other Communications**

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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**

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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 Copies**

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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.

**Exhibit 5 - Proposed Rule Text**

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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**

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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.

**PARTIAL AMENDMENT**

Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") hereby submits this Partial Amendment, constituting Amendment No. 1 to its rule filing SR-CBOE-2010-001, filed on January 4, 2010, in which the Exchange proposes to amend its Fees Schedule to eliminate the Hybrid Electronic Quoting Fee. In Item 1(a) of Form 19b-4, the Exchange inadvertently numbered Section 17 of the Fees Schedule as Section 11. The Exchange proposes to delete "11" and replace it with "17", as reflected in the revised text of the proposed rule change set forth below. With the exception of this change, the rest of the proposed rule change, as contained in the original rule filing, remains unchanged.

\*\*\*\*\*

(Changes are indicated by underlining additions and [bracketing deletions]. Only those fees that are affected are shown.)

**CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED  
FEES SCHEDULE  
JANUARY 4, 2010**

1. – 4. Unchanged.

**FOOTNOTES:**

(1) - (17) Unchanged.

5. – 9. Unchanged.

10. **MEMBER DUES**

\$450 per month\*

\* [If a member is assessed the Hybrid Electronic Quoting Fee (see Section 17), the member does not pay a member dues fee.] Effective May 1, 2009, for any month in which a lessor receives a payment from the Exchange for an open lease under the Interim Trading Permit program pursuant to Rule 3.27(d), no member dues will be charged to the lessor for that month. The Exchange will rebate dues to any lessor who received such a payment from the Exchange during the period August 1, 2008 through April 30, 2009.

11. – 16. Unchanged.

17. **HYBRID FEES:**

• Quoting Infrastructure User Fee .....	<b>\$150</b>
• TickerXpress (TX) User Fee (effective April 1, 2007)	
• TX Software Fee .....	<b>100</b>
• Enhanced TX User Fee .....	<b>300</b>
• Co-location of Equipment Fee (per "U" – 1.75 inches) .....	<b>10</b>
• Co-location of Equipment Fee (per "U" – 1.75 inches)/Sponsored User.....	<b>20</b>
• [Hybrid Electronic Quoting Fee .....	<b>450*]</b>

[\* In addition to the \$450 fee, all Market-Makers, DPMs, and e-DPMs (collectively "liquidity providers") will be assessed (or credited) the Hybrid Electronic Quoting Fee by acronym as set forth in the tables below. The fee applies in Hybrid and Hybrid 2.0 option classes. The fee is assessed (or credited) per 1,000 quotes. A quotation is a bid and an offer. In the event a liquidity provider is utilizing more than one membership and submits electronic quotations for all of the memberships under the same acronym, the Hybrid Electronic Quoting Fee will be assessed (or credited) per membership utilized by the liquidity provider. If a liquidity provider is assessed (or credited) the Hybrid Electronic Quoting Fee, the liquidity provider does not pay a member dues fee (see Section 10). There is a cap of \$50,000 on the amount a liquidity provider's total credits can exceed the total debits assessed.

Market-Makers					
	Market Turner – At Least One Side <sup>1</sup>	NBBO Match – Both Sides <sup>2</sup>	NBBO Match – One Side Only <sup>3</sup>	CBOE BBO Match - At Least One Side <sup>4</sup>	Duplicate Quotes & Off Market Quotes <sup>5</sup>
Underlying <sup>6</sup> <= \$100, & Bid' <=\$10	\$.10 Credit	\$.03 Credit	\$0.00	\$.02	\$.04
Underlying <= \$100, & Bid > \$10	\$.10 Credit	\$.03 Credit	\$0.00	\$.04	\$.04
Underlying > \$100, & Bid <=15% of Underlying	\$.10 Credit	\$.03 Credit	\$0.00	\$.02	\$.04
Underlying > \$100, & Bid >15% of Underlying	\$.10 Credit	\$.03 Credit	\$0.00	\$.04	\$.04

DPMs and e-DPMs					
	Market Turner – At Least One Side <sup>1</sup>	NBBO Match – Both Sides <sup>2</sup>	NBBO Match – One Side Only <sup>3</sup>	CBOE BBO Match - At Least One Side <sup>4</sup>	Duplicate Quotes & Off Market Quotes <sup>5</sup>
Underlying <= \$100, & Bid <=\$10	\$.10 Credit	\$.03 Credit	\$0.00	\$.02	\$.04
Underlying <= \$100, & Bid > \$10	\$.10 Credit	\$.03 Credit	\$0.00	\$.02	\$.04
Underlying > \$100, & Bid <=15% of Underlying	\$.10 Credit	\$.03 Credit	\$0.00	\$.02	\$.04
Underlying > \$100, & Bid >15% of Underlying	\$.10 Credit	\$.03 Credit	\$0.00	\$.02	\$.04

**Footnotes:**

- (1) Quotation improves the NBBO on at least one side of the market.
- (2) Quotation matches the NBBO on both sides of the market.
- (3) Quotation matches the NBBO on only one side of the market.
- (4) Quotation matches the CBOE BBO (which is not the NBBO) on at least one side of the market.
- (5) Quotation is duplicate quote (no change in bid and offer price and size), or does not meet the conditions of Footnotes (1) – (4).
- (6) The value of the underlying security is the closing price of the underlying security on the preceding trading day.
- (7) The bid is the closing "bid" in the option series at CBOE on the preceding trading day.]

Remainder of Fees Schedule – Unchanged.

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