

Proposed Rule Change by Chicago Board Options Exchange
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934

Initial <input checked="" type="checkbox"/>	Amendment <input type="checkbox"/>	Withdrawal <input type="checkbox"/>	Section 19(b)(2) <input type="checkbox"/>	Section 19(b)(3)(A) <input checked="" type="checkbox"/>	Section 19(b)(3)(B) <input type="checkbox"/>
			Rule		
			<input type="checkbox"/> 19b-4(f)(1)	<input type="checkbox"/> 19b-4(f)(4)	
			<input type="checkbox"/> 19b-4(f)(2)	<input type="checkbox"/> 19b-4(f)(5)	
			<input type="checkbox"/> 19b-4(f)(3)	<input checked="" type="checkbox"/> 19b-4(f)(6)	

Exhibit 2 Sent As Paper Document <input type="checkbox"/>	Exhibit 3 Sent As Paper Document <input type="checkbox"/>
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Description
Provide a brief description of the proposed rule change (limit 250 characters).

Amendment to Penny Pilot Program

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 proposed rule change.

First Name	<input type="text" value="Patrick"/>	Last Name	<input type="text" value="Sexton"/>
Title	<input type="text" value="Associate General Counsel"/>		
E-mail	<input type="text" value="sexton@cboe.com"/>		
Telephone	<input type="text" value="(312) 786-7467"/>	Fax	<input type="text" value="(312) 786-7919"/>

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 officer.

Date	<input type="text" value="01/29/2010"/>
By	<input type="text" value="Patrick Sexton"/> Associate General Counsel
	(Name) (Title)

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.

Patrick Sexton, sexton@cboe.com

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EFFF 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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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 Sent As Paper Document

Exhibit 3 - Form, Report, or Questionnaire

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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 Sent As Paper Document

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.

Item 1. Text of Proposed Rule Change

(a) The Chicago Board Options Exchange, Incorporated (“CBOE” or “Exchange”) proposes to amend CBOE rules relating to the Penny Pilot Program. The text of the proposed rule change is provided below:

(b) Inapplicable

(c) Inapplicable

* * * * *

(Additions are underlined; deletions are [bracketed])

Chicago Board Options Exchange, Incorporated
Rules

* * * * *

Rule 6.42 – Minimum Increments for Bids and Offers

Rule 6.42. The Board of Directors may establish minimum increments for options traded on the Exchange. When the Board of Directors determines to change the minimum increments, the Exchange will designate such change as a stated policy, practice, or interpretation with respect to the administration of Rule 6.42 within the meaning of subparagraph (3)(A) of subsection 19(b) of the Exchange Act and will file a rule change for effectiveness upon filing with the Commission. Until such time as the Board of Directors makes a change to the minimum increments, the following minimum increments shall apply to options traded on the Exchange:

(1) No change.

(2) No change.

(3) The decimal increments for bids and offers for all series of the option classes participating in the Penny Pilot Program are: \$0.01 for all option series quoted below \$3 (including LEAPS), and \$0.05 for all option series \$3 and above (including LEAPS). For QQQQs, IWM, and SPY, the minimum increment is \$0.01 for all option series. The Exchange may replace, on a semi-annual basis, any option class participating in the Penny Pilot Program that has been delisted with the next most actively-traded, multiply-listed option class, based on national average daily volume in the preceding six calendar months, that is not yet included in the Pilot Program. Any replacement class would be added on the second trading day following January 1, 2010 and July 1, 2010. The Penny Pilot shall expire on December 31, 2010.

(4) No change.

. . . Interpretations and Policies:

.01 – .03 No change.

* * * * *

Item 2. Procedures of the Self-Regulatory Organization

(a) CBOE's Office of the Chairman, pursuant to delegated authority, approved the proposed rule change on January 28, 2010. No further action is required.

(b) Please refer questions and comments on the proposed rule change to Joanne Moffic-Silver, General Counsel, CBOE, 400 South LaSalle, Chicago, IL 60605, (312) 786-7462 or to Patrick Sexton, (312) 786-7467.

Item 3. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

CBOE proposes to amend its rules in connection with the expansion of the Penny Pilot on February 1, 2010. Specifically, CBOE proposes to amend Rule 6.42 to provide that the minimum increment for all option series in the IWM and SPY option classes will be \$0.01 effective February 1, 2010. Currently, the minimum increments in these two classes are \$0.01 for all option series quoted below \$3 (including LEAPS), and \$0.05 for all option series \$3 and above (including LEAPS). CBOE notes that the SEC recently approved a NYSEArca rule filing which provides that the minimum increment for all option series in the IWM and SPY option classes will be \$0.01 effective February 1, 2010.¹

CBOE also proposes to identify the 75 option classes that will be added to the Penny Pilot Program beginning on February 1, 2010. CBOE recently extended and expanded the Penny Pilot Program through December 31, 2010.² As described in its filing, the Pilot Program will be expanded by adding 300 option classes, in groups of 75 classes each quarter on the following dates: November 2, 2009, February 1, 2010, May 3, 2010, and August 2, 2010.³ The option classes will be identified based on national average daily volume in the six calendar months preceding their addition to the Pilot Program using data compiled by The Options Clearing Corporation, except that the month immediately preceding their addition to the Pilot Program will not be utilized for purposes of the six month analysis.

The following 75 option classes will be added to the Pilot Program beginning on February 1, 2010:

Symbol	Company Name	Symbol	Company Name
ABT	Abbott Laboratories	LEAP	Leap Wireless International Inc
AEM	Agnico-Eagle Mines Ltd	LLY	Eli Lilly & Co
AET	Aetna Inc	LO	Lorillard Inc
AFL	Aflac Inc	LOW	Lowe's Cos Inc

¹ See Securities Exchange Act Release No. 61061 (November 24, 2009), granting partial approval of SR-NYSEArca-2009-44, as modified by Amendment No. 4 thereto.

² See Securities Exchange Act Release No. 60864 (October 22, 2009), granting immediate effectiveness to SR-CBOE-2009-76.

³ The classes to be added are among the most actively-traded, multiply-listed option classes that are not currently in the Pilot Program, excluding option classes with high premiums. An option class would be designated as "high premium" if, at the time of selection, the underlying security was priced at \$200 per share or above, or the underlying index level was at 200 or above.

Symbol	Company Name	Symbol	Company Name
AKAM	Akamai Technologies Inc	M	Macy's Inc
AMAT	Applied Materials Inc	MCO	Moody's Corp
AMR	AMR Corp	MET	MetLife Inc
ANF	Abercrombie & Fitch Co	MMM	3M Co
APC	Anadarko Petroleum Corp	MU	Micron Technology Inc
ATVI	Activision Blizzard Inc	NUE	Nucor Corp
BBD	Banco Bradesco SA	OXY	Occidental Petroleum Corp
BCRX	BioCryst Pharmaceuticals Inc	PARD	Poniard Pharmaceuticals Inc
BK	Bank of New York Mellon Corp/The	PEP	PepsiCo Inc/NC
BRCM	Broadcom Corp	PM	Philip Morris International Inc
BTU	Peabody Energy Corp	PNC	PNC Financial Services Group Inc
BX	Blackstone Group LP	QID	ProShares UltraShort QQQ
CAL	Continental Airlines Inc	SHLD	Sears Holdings Corp
CF	CF Industries Holdings Inc	SLM	SLM Corp
CMCSA	Comcast Corp	SLW	Silver Wheaton Corp
CSX	CSX Corp	SQNM	Sequenom Inc
CVS	CVS Caremark Corp	STEC	STEC Inc
CX	Cemex SAB de CV	STX	Seagate Technology
DD	EI du Pont de Nemours & Co	SU	Suncor Energy Inc
ERTS	Electronic Arts Inc	TCK	Teck Resources Ltd
EWJ	iShares MSCI Japan Index Fund	TEVA	Teva Pharmaceutical Industries Ltd
FDX	FedEx Corp	TLT	iShares Barclays 20+ Year Treasury Bond Fund
FNM	Federal National Mortgage Association	TZA	Direxion Daily Small Cap Bear 3X Shares
FRE	Federal Home Loan Mortgage Corp	UAUA	UAL Corp
GILD	Gilead Sciences Inc	URE	ProShares Ultra Real Estate
GLW	Corning Inc	UTX	United Technologies Corp
HBC	HSBC Holdings PLC	WFR	MEMC Electronic Materials Inc
HES	Hess Corp	WFT	Weatherford International Ltd
HL	Hecla Mining Co	WLP	WellPoint Inc
HOG	Harley-Davidson Inc	XLB	Materials Select Sector SPDR Fund
HON	Honeywell International Inc	XRX	Xerox Corp
JOYG	Joy Global Inc	XTO	XTO Energy Inc
JWN	Nordstrom Inc	YRCW	YRC Worldwide Inc
KFT	Kraft Foods Inc		

(b) Statutory Basis

The Exchange believes the rule proposal is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.⁴ Specifically, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) Act⁵ requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest. In particular, the proposed rule change allows for an expansion of the Penny Pilot Program for the benefit of market participants and identifies the option classes to be added to the Pilot Program in a manner consistent with CBOE's rule filing SR-CBOE-2009-76 to extend and expand the Pilot Program. The proposed rule change also allows for reductions in the minimum increments in IWM and SPY, which has been shown to reduce spreads.

Item 4. Self-Regulatory Organization's Statement on Burden on Competition

This rule proposal does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Item 5. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the rule proposal.

Item 6. Extension of Time Period for Commission Action

The Exchange does not consent to an extension of the time period specified in Section 19(b)(2)⁶ of the Act for Commission consideration of the rule proposal.

Item 7. Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2)

(a) The proposed rule change is filed for immediate effectiveness pursuant to Section 19(b)(3)(A)⁷ of the Act and Rule 19b-4(f)(6) thereunder.⁸

(b) The Exchange asserts that the proposed rule change (i) will not significantly affect the protection of investors or the public interest, (ii) will not impose any significant burden on competition, and (iii) will not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The proposed rule change is substantially similar to the proposal by NYSEArca that was approved by the SEC to modify the minimum increments in SPY and IWM. CBOE proposes to implement these changes on February 1, 2010. The filing also identifies the

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78s(b)(2).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6).

option classes to be added to the Pilot Program in a manner consistent with CBOE's rule filing SR-CBOE-2009-76 to extend and expand the Pilot Program.

The Exchange provided a copy of this rule filing to the Commission at least five days prior to filing. For the foregoing reasons, this rule filing qualifies as a "non-controversial" rule change under paragraph (f)(6) of Rule 19b-4 under the Act. The Exchange requests that the Commission waive the 30-day operative delay period. CBOE notes that it did provide a copy of the proposed rule change to the SEC in advance. Waiver of the operative delay is consistent with the protection of investors and the public interest in that doing so will allow the Pilot Program to continue uninterrupted and will allow CBOE to adopt the same minimum increments in SPY and IWM as NYSEArca. The SEC has noted that the reduction in the minimum increments has been shown to reduce spreads, thereby lowering costs to investors.

For the foregoing reasons, the Exchange believes the rule filing qualifies as a "non-controversial" rule change under paragraph (f)(6) of Rule 19b-4 of the Act.

(c) Not applicable.

(d) Not applicable.

Item 8. Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or the Commission

This rule proposal is based in part on NYSEArca Rule 6.72.

Item 9. Exhibits

Exhibit 1. Form of Notice of Proposed Rule Change for Publication in the Federal Register.

EXHIBIT 1

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34- ; File No. SR-CBOE-2010-009)

Dated: _____

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Penny Pilot Program

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on _____, 2010, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

CBOE proposes to amend proposes to amend its rules relating to the Penny Pilot Program. The text of the rule proposal is available on the Exchange's website (<http://www.cboe.org/legal>), at the Exchange's Office of the Secretary and at the Commission.

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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

In its filing with the Commission, the self-regulatory organization 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 those 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 parts of such statements.

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

1. Purpose

CBOE proposes to amend its rules in connection with the expansion of the Penny Pilot on February 1, 2010. Specifically, CBOE proposes to amend Rule 6.42 to provide that the minimum increment for all option series in the IWM and SPY option classes will be \$0.01 effective February 1, 2010. Currently, the minimum increments in these two classes are \$0.01 for all option series quoted below \$3 (including LEAPS), and \$0.05 for all option series \$3 and above (including LEAPS). CBOE notes that the SEC recently approved a NYSEArca rule filing which provides that the minimum increment for all option series in the IWM and SPY option classes will be \$0.01 effective February 1, 2010.⁵

CBOE also proposes to identify the 75 option classes that will be added to the Penny Pilot Program beginning on February 1, 2010. CBOE recently extended and expanded the Penny Pilot Program through December 31, 2010.⁶ As described in its filing, the Pilot Program will be expanded by adding 300 option classes, in groups of 75 classes each quarter on the following dates: November 2, 2009, February 1, 2010, May 3, 2010, and August 2,

⁵ See Securities Exchange Act Release No. 61061 (November 24, 2009), granting partial approval of SR-NYSEArca-2009-44, as modified by Amendment No. 4 thereto.

⁶ See Securities Exchange Act Release No. 60864 (October 22, 2009), granting immediate effectiveness to SR-CBOE-2009-76.

2010.⁷ The option classes will be identified based on national average daily volume in the six calendar months preceding their addition to the Pilot Program using data compiled by The Options Clearing Corporation, except that the month immediately preceding their addition to the Pilot Program will not be utilized for purposes of the six month analysis.

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AET	Aetna Inc	LO	Lorillard Inc
AFL	Aflac Inc	LOW	Lowe's Cos Inc
AKAM	Akamai Technologies Inc	M	Macy's Inc
AMAT	Applied Materials Inc	MCO	Moody's Corp
AMR	AMR Corp	MET	MetLife Inc
ANF	Abercrombie & Fitch Co	MMM	3M Co
APC	Anadarko Petroleum Corp	MU	Micron Technology Inc
ATVI	Activision Blizzard Inc	NUE	Nucor Corp
BBD	Banco Bradesco SA	OXY	Occidental Petroleum Corp
BCRX	BioCryst Pharmaceuticals Inc	PARD	Poniard Pharmaceuticals Inc
BK	Bank of New York Mellon Corp/The	PEP	PepsiCo Inc/NC
BRCM	Broadcom Corp	PM	Philip Morris International Inc
BTU	Peabody Energy Corp	PNC	PNC Financial Services Group Inc
BX	Blackstone Group LP	QID	ProShares UltraShort QQQ
CAL	Continental Airlines Inc	SHLD	Sears Holdings Corp
CF	CF Industries Holdings Inc	SLM	SLM Corp
CMCSA	Comcast Corp	SLW	Silver Wheaton Corp
CSX	CSX Corp	SQNM	Sequenom Inc
CVS	CVS Caremark Corp	STEC	STEC Inc
CX	Cemex SAB de CV	STX	Seagate Technology
DD	EI du Pont de Nemours & Co	SU	Suncor Energy Inc
ERTS	Electronic Arts Inc	TCK	Teck Resources Ltd

⁷ The classes to be added are among the most actively-traded, multiply-listed option classes that are not currently in the Pilot Program, excluding option classes with high premiums. An option class would be designated as "high premium" if, at the time of selection, the underlying security was priced at \$200 per share or above, or the underlying index level was at 200 or above.

Symbol	Company Name	Symbol	Company Name
EWJ	iShares MSCI Japan Index Fund	TEVA	Teva Pharmaceutical Industries Ltd
FDX	FedEx Corp	TLT	iShares Barclays 20+ Year Treasury Bond Fund
FNM	Federal National Mortgage Association	TZA	Direxion Daily Small Cap Bear 3X Shares
FRE	Federal Home Loan Mortgage Corp	UAUA	UAL Corp
GILD	Gilead Sciences Inc	URE	ProShares Ultra Real Estate
GLW	Corning Inc	UTX	United Technologies Corp
HBC	HSBC Holdings PLC	WFR	MEMC Electronic Materials Inc
HES	Hess Corp	WFT	Weatherford International Ltd
HL	Hecla Mining Co	WLP	WellPoint Inc
HOG	Harley-Davidson Inc	XLB	Materials Select Sector SPDR Fund
HON	Honeywell International Inc	XRX	Xerox Corp
JOYG	Joy Global Inc	XTO	XTO Energy Inc
JWN	Nordstrom Inc	YRCW	YRC Worldwide Inc
KFT	Kraft Foods Inc		

2. Statutory Basis

The Exchange believes the rule proposal is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.⁸ Specifically, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) Act⁹ requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest. In particular, the proposed rule change allows for an expansion of the Penny Pilot Program for the benefit of market participants and identifies the option classes to be added to the Pilot Program in a manner consistent with CBOE's rule filing SR-CBOE-2009-76 to extend and expand the Pilot Program. The proposed rule change

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

also allows for reductions in the minimum increments in IWM and SPY, which has been shown to reduce spreads.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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

No written comments were solicited or received with respect to the proposed rule change.

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

Because the foregoing proposed rule 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given 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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6) thereunder.¹¹ At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

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
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-CBOE-2010-010 on the subject line.

Paper comments:

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

All submissions should refer to File Number SR-CBOE-2010-010. 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 inspection and copying in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10:00 am and 3:00 pm. Copies of such filing also

will be available for inspection and copying at the principal office of the CBOE. 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-CBOE-2010-010 and should be submitted on or before [insert date 21 days from publication in the Federal Register].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Dated: _____

Florence E. Harmon
Deputy Secretary

¹² 17 CFR 200.30-3(a)(12).