Required fields are shown with yellow backgrounds and asterisks.

OMB Number: 3235-0045
Estimated average burden hours per response...........38

Page 1 of	f * 19		EXCHANGE ( TON, D.C. 2 orm 19b-4			File No.* S	SR - 2018 - * 097 mendments *)		
Filing by The Nasdaq Stock Market LLC									
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934									
Initial *	Amendment *	Withdrawal	Section 19(I		Section	on 19(b)(3)(A) *	Section 19(b)(3)(B) *		
Pilot	Extension of Time Period for Commission Action *	Date Expires *		_ 1	19b-4(f) 19b-4(f) 19b-4(f)	)(2)			
	of proposed change pursuant 806(e)(1) *	to the Payment, Clearing Section 806(e)(2) *	ng, and Settle	ment Act of 20	010	Security-Based Swap to the Securities Exch Section 3C(b)(2)	-		
Exhibit 2 Sent As Paper Document  Exhibit 3 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 delay a new protocol Ouch to Trade Options or OTTO									
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.									
First N	ame * Angela		Last Name *	Dunn					
Title *	Principal Associate G	General Counsel							
E-mail	* angela.dunn@nasdad	q.com							
Teleph	one * (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	11/26/2018		Global Chief L	egal & Polic	y Offic	er			
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.									

#### SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549 For complete Form 19b-4 instructions please refer to the EFFS website. The self-regulatory organization must provide all required information, presented in a Form 19b-4 Information \* clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal Remove is consistent with the Act and applicable rules and regulations under the Act. The Notice section of this Form 19b-4 must comply with the guidelines for publication Exhibit 1 - Notice of Proposed Rule Change \* 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 Add Remove View 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) The Notice section of this Form 19b-4 must comply with the guidelines for publication **Exhibit 1A- Notice of Proposed Rule** in the Federal Register as well as any requirements for electronic filing as published Change, Security-Based Swap Submission, by the Commission (if applicable). The Office of the Federal Register (OFR) offers or Advance Notice by Clearing Agencies \* 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, Copies of notices, written comments, transcripts, other communications. If such **Transcripts, Other Communications** documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G. Remove View Add Exhibit Sent As Paper Document П Exhibit 3 - Form, Report, or Questionnaire 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 Add Remove View referred to by the proposed rule change. Exhibit Sent As Paper Document The full text shall be marked, in any convenient manner, to indicate additions to and **Exhibit 4 - Marked Copies** deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit Add Remove View 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** 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 Add Remove View of the proposed rule change. If the self-regulatory organization is amending only part of the text of a lengthy **Partial Amendment** 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.

## 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")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> is filing with the Securities and Exchange Commission ("SEC" or "Commission") a proposal to delay a new protocol "Ouch to Trade Options" or "OTTO" on The Nasdaq Options Market LLC ("NOM").

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

The text of the proposed rule change is attached as Exhibit 5.

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

## 2. Procedures of the Self-Regulatory Organization

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 September 26, 2018. 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

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

<sup>&</sup>lt;sup>2</sup> 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>

Nasdaq recently filed a rule change<sup>3</sup> which adopted a new protocol "Ouch to Trade Options" or "OTTO"<sup>4</sup> and renamed and modified the current OTTO protocol as "Quote Using Orders" or "QUO".<sup>5</sup> The Prior Rule Change, which is effective but not yet operative, renamed and modified the current OTTO protocol to "QUO." The Exchange subsequently filed a rule change to amend Chapter VI, Section 6(e), titled "Detection of Loss of Communication" which describes the impact to NOM protocols in the event of a loss of a communication. The Exchange accounted for both the new OTTO and renamed

See Securities Exchange Act Release No. 83888 (August 20, 2018), 83 FR 42954 (August 24, 2018) (SR-NASDAQ-2018-069) ("Prior Rule Change"). This rule change is immediately effective but will not be operative until such time as the Exchange issues an Options Trader Alert announcing the implementation date. This notification will be issued in Q4 2018. The Exchange notes that this filing renamed and modified the current OTTO protocol as "QUO" and also proposed the adoption of a new OTTO protocol.

New OTTO is an interface that allows Participants and their Sponsored Customers to connect, send, and receive messages related to orders to and from the Exchange. Features include the following: (1) options symbol directory messages (e.g., underlying); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications. See NOM Rules at Chapter VI, Section 21(a)(i)(C).

QUO is an interface that allows NOM Market Makers to connect, send, and receive messages related to single-sided orders to and from the Exchange. Order Features include the following: (1) options symbol directory messages (e.g., underlying); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications. Orders submitted by NOM Market Makers over this interface are treated as quotes. See NOM Rules at Chapter VI, Section 21(a)(i)(D).

and modified QUO within this rule. Similarly, the Exchange amended Chapter VI, Section 8, "Nasdaq Opening and Halt Cross" to account for the new OTTO and renamed and modified QUO within this rule. Finally, the Exchange amended Chapter VI, Section 19, "Data Feeds and Trade Information" to amend "OTTO DROP" to "QUO DROP" and noted within Chapter VI, Section 18(a)(1) related to Order Price Protection rule or "OPP" that OPP shall not apply to orders entered through QUO.<sup>6</sup>

Both the Prior Rule Change and the Subsequent Rule Change indicated the aforementioned rule changes would be implemented for QUO and OTTO in Q4 of 2018 with the date announced via an Options Traders Alert. At this time, the Exchange proposes to immediately implement QUO and delay the introduction of new OTTO functionality until Q1 2019 by announcing the date of implementation via an Options Traders Alert. The Exchange proposes to provide for the delay of the OTTO functionality by inserting the following rule text at the beginning of NOM Rules at Chapter VI, Sections 6, 9 and 21 to make clear that OTTO functionality is not yet implemented: "OTTO functionality implementation shall be delayed until Q1 2019. The Exchange will issue an Options Trader Alert notifying Participants when this functionality will be available."

The Exchange proposes this delay to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange.

See Securities Exchange Act Release No. 84559 (November 9, 2019), 83 FR 57774 (November 16, 2018) (SR-NASDAQ-2018-085) ("Subsequent Rule Change").

#### Amend OTTO at Options 7

The Exchange's current pricing at Options 7,<sup>7</sup> Section 3(i)(4) reflects an OTTO Port Fee. The Exchange proposed to rename the OTTO Port Fee as "QUO Port Fee" to reflect the new name of the modified former OTTO protocol. No changes are being made to the port fee. Likewise, the current "OTTO DROP Port Fee" at Options 7, Section 3(ii)(4) is proposed to be renamed the "QUO DROP Port Fee."

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

The Exchange believes that its proposal is consistent with Section 6(b) of the Act, 8 in general, and furthers the objectives of Section 6(b)(5) of the Act, 9 in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by delaying the OTTO functionality to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange. QUO would be implemented to avoid any confusion with the new proposed protocol.

#### QUO

The Exchange's proposal to rename the current "OTTO Port Fee" as "QUO Port Fee" and "OTTO DROP Port Fee" as "QUO DROP Port Fee" is consistent with the Act because the amendment will reflect the name change and modification as proposed in the Prior Rule Change.

Options 7 refers to the Exchange's new rulebook shell.

<sup>&</sup>lt;sup>8</sup> 15 U.S.C. 78f(b).

<sup>&</sup>lt;sup>9</sup> 15 U.S.C. 78f(b)(5).

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

The Exchange 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. The Exchange's proposal to implement QUO and delay the adoption of new OTTO functionality does not impose an undue burden on competition. Immediately implementing the QUO protocol, which is the subject of an already effective rule change, will avoid any confusion with the implementation of the new OTTO protocol. Delaying the new OTTO functionality to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange.

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

No written comments were either solicited or received.

- Extension of Time Period for Commission Action
   Not Applicable.
- 7. <u>Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2)</u>

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)<sup>10</sup> of the Act and Rule 19b-4(f)(6) thereunder<sup>11</sup> 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

<sup>&</sup>lt;sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>&</sup>lt;sup>11</sup> 17 CFR 240.19b-4(f)(6).

interest.

The Exchange believes that the proposal does not significantly affect the protection of investors or the public interest because renaming and modifying the QUO protocol immediately will avoid any confusion with the implementation of the new OTTO protocol. Delaying the new OTTO functionality to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange. Implementation of QUO within Options 7 will conform the name across NOM rules. The Exchange believes that these proposals do not significantly affect the protection of investors or the public interest because immediately implementing QUO is non-substantive. Delaying the implementation of OTTO benefits the Exchange and Participants by allowing additional time to ensure a successful implementation. Implementing QUO will bring greater transparency to NOM rules.

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 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 operative delay to allow the Exchange to immediately implement QUO and delay the implementation of the OTTO functionality to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange. Delaying the implementation of OTTO protects is consistent with the protection of investors and the public interest because it permits additional time to ensure a successful implementation of new OTTO. Also, implementing QUO will bring greater transparency to NOM rules.

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

This rule change is based on SR-NASDAQ-2018-069 and SR-NASDAQ-2018-085. 12

- 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 Settlement Supervision Act</u>

Not applicable.

#### 11. Exhibits

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

See notes 3 and 6 above.

**EXHIBIT 1** 

SECURITIES AND EXCHANGE COMMISSION (Release No. ; File No. SR-NASDAQ-2018-097)

November , 2018

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Delay A New Protocol "Ouch to Trade Options" or "OTTO" on The Nasdaq Options Market LLC ("NOM")

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 November 26, 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 Proposed Rule Change</u>

The Exchange proposes to a proposal to delay a new protocol "Ouch to Trade Options" or "OTTO" on The Nasdaq Options Market LLC ("NOM")

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

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

<sup>&</sup>lt;sup>2</sup> 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>

Nasdaq recently filed a rule change<sup>3</sup> which adopted a new protocol "Ouch to Trade Options" or "OTTO"<sup>4</sup> and renamed and modified the current OTTO protocol as "Quote Using Orders" or "QUO".<sup>5</sup> The Prior Rule Change, which is effective but not yet

See Securities Exchange Act Release No. 83888 (August 20, 2018), 83 FR 42954 (August 24, 2018) (SR-NASDAQ-2018-069) ("Prior Rule Change"). This rule change is immediately effective but will not be operative until such time as the Exchange issues an Options Trader Alert announcing the implementation date. This notification will be issued in Q4 2018. The Exchange notes that this filing renamed and modified the current OTTO protocol as "QUO" and also proposed the adoption of a new OTTO protocol.

New OTTO is an interface that allows Participants and their Sponsored Customers to connect, send, and receive messages related to orders to and from the Exchange. Features include the following: (1) options symbol directory messages (e.g., underlying); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications. See NOM Rules at Chapter VI, Section 21(a)(i)(C).

QUO is an interface that allows NOM Market Makers to connect, send, and receive messages related to single-sided orders to and from the Exchange. Order Features include the following: (1) options symbol directory messages (e.g., underlying); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4)

operative, renamed and modified the current OTTO protocol to "QUO." The Exchange subsequently filed a rule change to amend Chapter VI, Section 6(e), titled "Detection of Loss of Communication" which describes the impact to NOM protocols in the event of a loss of a communication. The Exchange accounted for both the new OTTO and renamed and modified QUO within this rule. Similarly, the Exchange amended Chapter VI, Section 8, "Nasdaq Opening and Halt Cross" to account for the new OTTO and renamed and modified QUO within this rule. Finally, the Exchange amended Chapter VI, Section 19, "Data Feeds and Trade Information" to amend "OTTO DROP" to "QUO DROP" and noted within Chapter VI, Section 18(a)(1) related to Order Price Protection rule or "OPP" that OPP shall not apply to orders entered through QUO.6

Both the Prior Rule Change and the Subsequent Rule Change indicated the aforementioned rule changes would be implemented for QUO and OTTO in Q4 of 2018 with the date announced via an Options Traders Alert. At this time, the Exchange proposes to immediately implement QUO and delay the introduction of new OTTO functionality until Q1 2019 by announcing the date of implementation via an Options Traders Alert. The Exchange proposes to provide for the delay of the OTTO functionality by inserting the following rule text at the beginning of NOM Rules at Chapter VI, Sections 6, 9 and 21 to make clear that OTTO functionality is not yet implemented: "OTTO functionality implementation shall be delayed until Q1 2019.

execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications. Orders submitted by NOM Market Makers over this interface are treated as quotes. See NOM Rules at Chapter VI, Section 21(a)(i)(D).

See Securities Exchange Act Release No. 84559 (November 9, 2019), 83 FR 57774 (November 16, 2018) (SR-NASDAQ-2018-085) ("Subsequent Rule Change").

The Exchange will issue an Options Trader Alert notifying Participants when this functionality will be available."

The Exchange proposes this delay to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange.

#### Amend OTTO at Options 7

The Exchange's current pricing at Options 7,<sup>7</sup> Section 3(i)(4) reflects an OTTO Port Fee. The Exchange proposed to rename the OTTO Port Fee as "QUO Port Fee" to reflect the new name of the modified former OTTO protocol. No changes are being made to the port fee. Likewise, the current "OTTO DROP Port Fee" at Options 7, Section 3(ii)(4) is proposed to be renamed the "QUO DROP Port Fee."

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act, 8 in general, and furthers the objectives of Section 6(b)(5) of the Act, 9 in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by delaying the OTTO functionality to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange. QUO would be implemented to avoid any confusion with the new proposed protocol.

Options 7 refers to the Exchange's new rulebook shell.

<sup>&</sup>lt;sup>8</sup> 15 U.S.C. 78f(b).

<sup>&</sup>lt;sup>9</sup> 15 U.S.C. 78f(b)(5).

QUO

The Exchange's proposal to rename the current "OTTO Port Fee" as "QUO Port Fee" and "OTTO DROP Port Fee" as "QUO DROP Port Fee" is consistent with the Act because the amendment will reflect the name change and modification as proposed in the Prior Rule Change.

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

The Exchange 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. The Exchange's proposal to implement QUO and delay the adoption of new OTTO functionality does not impose an undue burden on competition. Immediately implementing the QUO protocol, which is the subject of an already effective rule change, will avoid any confusion with the implementation of the new OTTO protocol. Delaying the new OTTO functionality to allow the Exchange additional time to implement this functionality and for Participants to sign-up for this new port and test with the Exchange.

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. <u>Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action</u>

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>10</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>11</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 necessary or appropriate in the public interest, for the protection of investors, or 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
- Send an e-mail to <u>rule-comments@sec.gov</u>. Please include File Number SR-NASDAQ-2018-097 on the subject line.

<sup>&</sup>lt;sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>17</sup> 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.

### 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-2018-097. 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-2018-097 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.  $^{12}$ 

Eduardo A. Aleman Assistant Secretary

<sup>&</sup>lt;sup>12</sup> 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. 6 Acceptance of Quotes and Orders

OTTO functionality implementation shall be delayed until Q1 2019. The Exchange will issue an Options Trader Alert notifying Participants when this functionality will be available.

\* \* \* \* \*

Sec. 8 Nasdaq Opening and Halt Cross

OTTO functionality implementation shall be delayed until Q1 2019. The Exchange will issue an Options Trader Alert notifying Participants when this functionality will be available.

\* \* \* \* \*

**Section 21. Order and Quote Protocols** 

OTTO functionality implementation shall be delayed until Q1 2019. The Exchange will issue an Options Trader Alert notifying Participants when this functionality will be available.

\* \* \* \* \*

The Nasdaq Stock Market LLC Rules

\* \* \* \* \*

**Options Rules** 

\* \* \* \* \*

**Options 7** 

Sec. 3 Nasdaq Options Market - Ports and Other Services

The below charges are assessed by Nasdaq for connectivity to services and The Nasdaq Options Market.

A port is a logical connection or session that enables a market participant to send inbound messages and/or receive outbound messages from the Exchange using various communication protocols. Fees are assessed in full month increments and are not prorated.

An account number shall mean a number assigned to a Participant. Participants may have more than one account number.

(i) The following order and quote protocols are available on NOM:

(1) FIX Port Fee \$650 per port, per month, per account

(2) SQF Port Fee per port, per month

(3) SQF Purge Port Fee per port, per month

The SQF Port Fee and the SQF Purge Port Fee are incremental as follows:

Number of Ports	<b>Monthly Fee Per Port</b>
First 5 ports (1-5)	\$1,500 per port
Next 15 ports (6-20)	\$1,000 per port
All ports over 20 ports (21 and above)	\$500 per port

- (4) [OTTO]QUO Port Fee \$750 per port, per month, per account
- (ii) The following order and execution information is available to Participants.

\$650 per port, per month (1) CTI Port Fee

\$650 per port, per month (2) FIX DROP Port

Fee

\$95, per user, per month (Assessed only to (3) TradeInfo NOM Interface Participant not subscribing to the Nasdaq Workstation)

(4) [OTTO]QUO \$650 per port, per month **DROP Port Fee** 

(iii) and (iv) No change.