



June 13, 2014

Via Electronic Mail

Ms. Melissa Jurgens  
Secretary  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

Re: CBOE Futures Exchange, LLC Rule Certification  
Submission Number CFE-2014-13

Dear Ms. Jurgens:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended ("Act"), and §40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission ("CFTC" or "Commission") under the Act, CBOE Futures Exchange, LLC ("CFE" or "Exchange") hereby submits a CFE rule amendment ("Amendment") to revise CFE Rule 408 as it relates to the provision of CFE market data by the Exchange. The Amendment will become effective on June 30, 2014.

CFE previously permitted CFE Trading Privilege Holders ("TPHs") to receive particular CFE market data feeds from the Exchange without signing a form of market data agreement with the Exchange pursuant to provisions that are currently included in Rule 408 which are comparable to provisions that are generally included in a market data agreement. The Amendment deletes those provisions from Rule 408 as CFE now requires TPHs to execute market data agreements with the Exchange in order to receive a CFE market data feed from the Exchange. Additionally, the Amendment revises CFE Rule 408 to make clear that CFE may require TPHs that receive CFE market data from the Exchange, as well as financial information vendors, Independent Software Vendors, extranet service providers, and other Persons that receive CFE market data from the Exchange, to execute a market data agreement with the Exchange in a form and manner prescribed by the Exchange. The form of market data agreement may vary depending on the type of recipient and intended use of the market data. The Amendment also includes non-substantive changes to the language of Rule 408(a).

CFE believes that the Amendment is consistent with Designated Contract Market ("DCM") Core Principle 8 (Daily Publication of Trading Information) under Section 5 of the Act in that CFE will continue to post on its website without charge the CFE market data information that a DCM is required to make available to the news media and the general public in accordance with Commission Regulation 16.01(e). Each CFE market data feed for which a market data agreement must be executed in order to receive the applicable feed from CFE is provided by CFE to any party that wishes to receive the applicable feed in addition to the market data information that CFE makes available on its website consistent with Commission Regulation 16.01(e).

CFE believes that the impact of the Amendment will be beneficial to the public and market participants. CFE is not aware of any substantive opposing views to the Amendment. CFE hereby certifies that the Amendment complies with the Act and the regulations thereunder. CFE further certifies that CFE has posted a notice of pending certification with the Commission and a copy of this submission on CFE's Web site (<http://cfe.cboe.com/aboutcfe/rules.aspx>) concurrent with the filing of this submission with the Commission.

The Amendment, marked to show additions in underlined text and deletions in [bracketed] text, consists of the following:

### **CBOE Futures Exchange, LLC Rules**

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#### **Rule 408. Market Data[; Execution Acknowledgements] and Market Data Agreements**

(a) The Exchange will make information regarding trades completed on the Exchange, [Orders (including] prices bid or offered[)] entered] on the Exchange and any other matters it may deem appropriate (collectively, "Market Data") available [to Trading Privilege Holders and Authorized Traders] at such times and in such manner (whether through the CBOE System, a financial information vendor or otherwise) as the Exchange may consider necessary or appropriate from time to time. The Exchange may require Trading Privilege Holders, financial information vendors, Independent Software Vendors, extranet service providers, and other Persons that receive Market Data from the Exchange to execute a market data agreement with the Exchange in a form and manner prescribed by the Exchange.

[(b) Each Trading Privilege Holder and Authorized Trader receiving any Market Data directly through the CBOE System may use such Market Data as provided in this Rule 408. Except as provided in paragraph (c) below, or otherwise as expressly permitted by the Exchange, any such Trading Privilege Holder and Authorized Trader shall receive and use Market Data only for its own internal business activities, and shall not furnish the Market Data, or permit the Market Data to be furnished, in any format to any Person (including any Customer of such Trading Privilege Holder) other than the partners, officers, directors, employees and agents of such Trading Privilege Holder or Authorized Trader. Such receipt and use of Market Data shall also be subject to the following terms and conditions:

(i) The Trading Privilege Holder or Authorized Trader shall furnish to the Exchange reports with respect to access to Market Data and use of Market Data by the Trading Privilege Holder or Authorized Trader of Market Data, and any Customers of the Trading Privilege Holder receiving Market Data from the Trading Privilege Holder, as may be required by the Exchange from time to time. Such reports may include, without limiting the generality of the foregoing, information with respect to the "Devices" on which the Trading Privilege Holder or Authorized Trader displays Market Data and/or the "Authorized Users" who are authorized by the Trading Privilege Holder or Authorized Trader to have access to Market Data. (The term "Device" means any computer, workstation or other item of equipment that is entitled to receive Market Data in visual, audible or other form. The term "Authorized User" means an individual user (an individual natural Person) who is a partner, officer, director, employee or agent of the Trading Privilege Holder or Authorized Trader or a Customer of the Trading Privilege Holder or a partner, officer, director, employee or agent of the Customer, in each case, who is uniquely identified (by user ID and confidential password or other unambiguous method reasonably

acceptable to the Exchange) and authorized by the Trading Privilege Holder or Authorized Trader to have access to Market Data.)

(ii) The Trading Privilege Holder or Authorized Trader acknowledges and agrees that the Market Data is the property of the Exchange until the Exchange places the Market Data in the public domain or authorizes placement of the Market Data in the public domain, and that, but for this Rule 408, the Trading Privilege Holder or Authorized Trader would have no right of access to the Market Data.

(iii) The Trading Privilege Holder or Authorized Trader shall at all reasonable times permit representatives of the Exchange to have access to the locations where the Market Data is received for the purpose of observing the use made of the Market Data and to inspect all equipment and apparatus used in connection therewith.

(iv) The Trading Privilege Holder or Authorized Trader acknowledges and agrees that its access to and use of Market Data is subject to the disclaimers of liability on the part of the Exchange and its Affiliates, their respective directors, committee members, officers, employees, agents and contractors, and index licensors with respect to any index underlying any contract traded on the Exchange, provided for in Rule 418.

(v) The Trading Privilege Holder or Authorized Trader acknowledges and agrees that: (1) any original work that it creates that displays, represents or recreates any Market Data, or from which Market Data can be readily recalculated, will constitute Market Data for purposes of the Rules of the Exchange and will be subject to applicable fees; and (2) the Trading Privilege Holder or Authorized Trader shall not use, or permit any third party to use, any Market Data (i) as input data in the creation or calculation of any index or similar work or (ii) to create any financial instrument or investment product that is based on, or seeks to match the performance of, values included in the Market Data, in each case unless and until the Trading Privilege Holder or Authorized Trader has entered into a separate license agreement with CFE authorizing such use of the Market Data.

(c) Notwithstanding the provisions of paragraph (b) above, any Trading Privilege Holder or Authorized Trader receiving any Market Data directly through the CBOE System may:

(i) Furnish, in the regular course of its business and to its Customers and others with which it does business, in a quantity restricted to that reasonably necessary to enable such Trading Privilege Holder or Authorized Trader to conduct its business, specific items of Market Data directly relating to particular transactions or particular situations occurring in the normal conduct of such Person's business. Any such furnishing must be limited to oral communications (including by telephone), manually sent emails and other communications not capable of permitting any bulk, automated, dissemination of Market Data.

(ii) If such Trading Privilege Holder or Authorized Trader has entered into an agreement with the Exchange pursuant to which the Exchange has authorized the Trading Privilege Holder or Authorized Trader to act as a Vendor of the Market Data, redistribute Market Data to third parties, in accordance with the terms of such agreement, to a greater extent than is permitted in Rule 408(c)(i).]

([d]b) An acknowledgement of each executed Order will be forwarded to the parties on each side of the trade resulting from such Order.

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Questions regarding this submission may be directed to Arthur Reinstein at (312) 786-7570 or Eric Seinsheimer at (312) 786-8740. Please reference our submission number CFE-2014-13 in any related correspondence.

CBOE Futures Exchange, LLC

A handwritten signature in black ink, appearing to read "James F. Lubin". The signature is stylized with a large, looping initial "J" and a cursive "Lubin".

By: James F. Lubin  
Senior Managing Director

cc: Nancy Markowitz (CFTC)