

trueEX  
162 Fifth Avenue  
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New York, NY 10010  
(646) 786 – 8520

Via E-mail

January 31, 2012

Assistant Secretary of the Commission for FOIA Matters,  
Commodity Futures Trading Commission,  
Three Lafayette Centre,  
1155 21st Street, N.W.,  
Washington, D.C. 20581

Re: FOIA Confidential Treatment Request: Petition Pursuant to Regulation 145.9(d)

To Whom It May Concern:

On this date, under separate cover (a copy of which is enclosed) (the "transmission letter"), trueEX LLC ("trueEX") submitted to Ms. Nancy Markowitz, Esq., of the Division of Market Oversight of the Commodity Futures Trading Commission (the "Commission") an application for trueEX to be designated as a contract market pursuant to Section 5(b) of the Commodity Exchange Act, as amended (the "Act"), and Part 38 of the regulations promulgated by the Commission thereunder (the "Application"). The Application consists of a copy of this petition for confidential treatment, the transmission letter, and two attached files named "Confidential Submission" and "Non-Confidential Submission", respectively. By this petition, trueEX requests confidential treatment pursuant to Section 145.9(d) of the Commission's regulations promulgated under the Act of all documents, files and other materials included within the file named "Confidential Submission" (collectively, the "Confidential Materials"). The Confidential Materials do not include the transmission letter, the rulebook of the applicant, the regulatory compliance chart of the applicant, or documents establishing the applicant's legal status or governance structure (the "Non-Confidential Materials").

The Confidential Materials are proprietary to trueEX and contain highly sensitive and confidential business information. Accordingly, trueEX has asked Ms. Markowitz to take appropriate steps to keep the Confidential Materials confidential and to restrict their re-distribution. The label "Confidential treatment requested by trueEX LLC" appears on each page of the Confidential Materials.

Pursuant to Sections 8(a) of the Commodity Exchange Act, as amended ("CEA"), and Commission Regulation § 145.9(d), trueEX requests confidential treatment of the Confidential Materials on the grounds that disclosure of such materials would reveal trade secrets and/or confidential commercial information of trueEX. In addition to violating trueEX's proprietary rights, the disclosure of the Confidential Materials would grant competitors an unfair competitive advantage and/or compromise the competitive advantages possessed by trueEX.

Pursuant to Commission Regulation § 145.9(d)(5), trueEX hereby requests that the Confidential Materials be afforded confidential treatment in perpetuity.

trueEX requests that the Commission notify the undersigned immediately after receiving any FOIA request, any court order, subpoena, or summons seeking to access the Confidential Materials in whole or in part. trueEX further requests notification (through the undersigned) in the event that the Commission intends to disclose the Confidential Materials in

whole or in part to Congress or to any other governmental agency or unit pursuant to Section 8 of the CEA. trueEX does not waive its notification rights under Section 8(f) of the CEA with respect to any subpoena or summons with respect to the Confidential Materials in whole or in part.

Please contact Karin Wichman or Kenneth M. Raisler using the information below if you have any questions regarding this request for confidential treatment.

Karin Wichman  
162 Fifth Avenue  
Suite 902  
New York, NY 10010  
Phone: (646) 468-0755

Kenneth M. Raisler  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004  
Phone: (212) 558-4675

Sincerely,

A handwritten signature in black ink that reads "Karin Wichman". The signature is written in a cursive, flowing style.

Karin Wichman  
Chief Legal Officer  
trueEX LLC

(Enclosures)

cc: Nancy Markowitz, Esq.  
Nadia Zakir, Esq.  
(Commodity Futures Trading Commission)

Sunil Hirani  
(trueEX LLC)

Kenneth M. Raisler  
David J. Gilberg  
(Sullivan & Cromwell LLP)