ANDA 75-696 July 31, 2000

Purepac Pharmaceutical Co.
Attention: Joan Janulis
U.S. Agent for Whitney Pharmaceuticals, Inc.
200 Elmora Avenue
Elizabeth NJ 07207

Dear Madam:

This is in reference to your abbreviated new drug application dated July 7, 1999, submitted pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act, for Etodolac Extended-Release Tablets, 400 mg.

Reference is also made to your amendments dated November 12, December 20, 1999; and February 4, March 16, March 31, and July 18, 2000.

The listed drug product (RLD), Lodine XL Extended-release Tablets of Wyeth Ayerst Laboratories, Inc. is subject to a period of patent protection which expires on April 30, 2008. Your application contains a patent certification to U.S. patent 4,966,768 under Section 505(j)(2)(A)(vii)(IV) of the Act. Section 505(j)(5)(B)(iii) of the Act provides that approval shall be made effective immediately unless an action is brought for infringement of the patent which is the subject of the certification before the expiration of forty-five days from the date the notice provided under paragraph 505 (j)(2)(B)(i) is received. You have notified FDA that Whitney Pharmaceuticals, Inc. has complied with the requirements of Section 505(j)(2)(B) of the Act and that no action for patent infringement was brought against Whitney Pharmaceuticals, Inc. within the statutory forty-five day period.

We have completed the review of this abbreviated application and have concluded that the drug is safe and effective for use as recommended in the submitted labeling. **Accordingly, the application is approved**. The Division of Bioequivalence has determined your Etodolac

Extended-Release Tablets, 400 mg to be bioequivalent and, therefore, therapeutically equivalent to the listed drug (Lodine® XL Extended-release Tablets, 400 mg, of Wyeth Ayerst Laboratories, Inc.). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your application. The "interim" dissolution specifications are as follows:

> Dissolution testing should be conducted in 1000 mL of 0.05M phosphate buffer, pH 6.8 at 37 degrees C using USP 23 apparatus II (paddle) at 75 rpm without sinkers. The test product should meet the following "interim" dissolution specifications:
>
> Between [ ] hours;
> between [ ] hours;
> between [ ] hours; and
> not less than [ ] hours.
>
> The "interim" dissolution test(s) and tolerances should be finalized by submitting dissolution data for the first three production size batches. Data should be submitted to the annual report when there are no revisions to the "interim" specifications or when the final specifications are tighter than the "interim" specifications. In all other instances, the information should be submitted in the form of a Special Supplement – Changes Being Effected.

Under section 505(A) of the Act, certain changes in the conditions described in this abbreviated application require an approved supplemental application before the change may be made.

We note that with respect to the 400 mg strength of this drug product, Whitney Pharmaceuticals, Inc. (Whitney) was the first applicant to submit a substantially complete ANDA with a Paragraph IV certification. Therefore, Whitney is eligible for 180-days of marketing exclusivity for the 400 mg strength. Such exclusivity will begin to run either from the date Whitney begins commercial marketing of the 400 mg strength, or from the date of a decision of a court finding the patent invalid or not infringed, whichever

event occurs earlier [Section 505(j)(5)(B)(iv)]. With respect to the "first commercial marketing" trigger for the commencement of exclusivity, please refer to 21 CFR 314.107(c)(4). The Agency expects that you will begin commercial marketing of drug product in a prompt manner.

If you have questions concerning the effective date of approval of an abbreviated new drug application and the Agency's elimination of the requirement that an ANDA applicant successfully defend a patent infringement suit to be eligible for 180-days of marketing exclusivity, please refer to the interim rule published in the November 5, 1998 Federal Register (Volume 63, No. 214, 59710).

Post-marketing reporting requirements for this abbreviated application are set forth in 21 CFR 314.80-81 and 314.98. The Office of Generic Drugs should be advised of any change in the marketing status of this drug.

We request that you submit, in duplicate, any proposed advertising or promotional copy that you intend to use in your initial advertising or promotional campaigns. Please submit all proposed materials in draft or mock-up form, not final print. Submit both copies together with a copy of the proposed or final printed labeling to the Division of Drug Marketing, Advertising, and Communications (HFD-40). Please do not use Form FD-2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) for this initial submission.

We call your attention to 21 CFR 314.81(b)(3) which requires that materials for any subsequent advertising or promotional campaign be submitted to our Division of Drug Marketing, Advertising, and Communications (HFD-40) with a completed Form FD-2253 at the time of their initial use.

Validation of the regulatory methods has not been completed. It is the policy of the Office not to withhold approval until the validation is complete. We acknowledge

your commitment to satisfactorily resolve and deficiencies associated with the validation process that may be identified.

Sincerely yours,

Gary Buehler
Acting Director
Office of Generic Drugs
Center for Drug Evaluation and Research