

ANDA 75-510

ESI Lederle
Attention: J. Barton Kalis
2 Esterbook Lane
Cherry Hill, NJ 08003-4099

Dear Sir:

This is in reference to your abbreviated new drug application dated November 20, 1998, submitted pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act (Act), for Milrinone Lactate Injection in 5% Dextrose Injection, 20 mg (base)/100 mL.

Reference is also made to our tentative approval letter dated April 25, 2000, and to your amendments dated June 29, August 31, and September 25, 2001.

We have completed the review of this abbreviated application as amended, and have concluded that based upon the information you have presented to date, the drug is safe and effective for use as recommended in the submitted labeling. Therefore, the application remains **tentatively approved**. This determination is based upon information available to the Agency at this time, (i.e., information in your application and the status of current good manufacturing practices (CGMPs) of the facilities used in the manufacture and testing of the drug product). The determination is subject to change on the basis of new information that may come to our attention.

As stated in our prior tentative approval letter, the reference listed drug product (RLD) upon which you have based your application, Primacor in 5% Dextrose Injection of Sanofi Synthelabo, is subject to a period of patent protection (U.S. Patent No. 4,313,951 the "951 patent"). Your application contains a Paragraph III Certification to the '951 patent under Section 505(j)(2)(A)(vii)(III) of the Act stating that you will not market this drug product prior to the expiration of this patent. As noted in the current edition of the Agency's publication entitled "Approved Drug Products with Therapeutic Equivalence Evaluations", the "Orange Book", this patent was scheduled to expire on November 26, 2001. However,

Section 111 of Title I of the Food and Drug Administration Modernization Act of 1997 (the Modernization Act) created Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a). Section 505A permits the sponsor of the RLD to obtain an additional six months of exclusivity if, in accord with the statute, the sponsor submits data previously requested by the Agency relating to the use of the drug in the pediatric population. In this case, Sanofi has submitted data to support the use of Milrinone Injection in a pediatric population. The Agency's Pediatric Exclusivity Board has determined that the data support the granting of 6-months of exclusivity to the RLD. Consequently, the awarding of this exclusivity will effectively lengthen the life of the '951 patent for an additional 6 months. Therefore, final approval of your application may not be made effective pursuant to 21 U.S.C. 355(j)(5)(B)(ii) of the Act until the additional exclusivity period granted to the RLD holder has expired; i.e., currently May 26, 2002.

Because the Agency is granting a tentative approval for this application, please submit a MINOR AMENDMENT - FINAL APPROVAL REQUESTED between 60 - 90 days prior to the date you believe your application will be eligible for final approval. This amendment should identify changes, if any, in the conditions under which the product was tentatively approved, and should include updated information such as final-printed labeling, chemistry, manufacturing, and controls data as appropriate. An amendment should be submitted even if none of these changes were made. This submission should be designated clearly in your cover letter as a MINOR AMENDMENT - FINAL APPROVAL REQUESTED. In addition to this amendment, the Agency may request at any time prior to the final date of approval that you submit an additional amendment containing the information described above.

Failure to submit either or, if requested, both amendments may result in rescission of the tentative approval status of your application, or may result in a delay in the issuance of the final approval letter.

Any significant changes in the conditions outlined in this abbreviated application as well as changes in the status of the manufacturing and testing facilities' compliance with current good manufacturing practices (CGMPs) are subject to Agency review before final approval of the application will be made.

Please note that this drug product may not be marketed without final Agency approval under Section 505 of the Act. The introduction or delivery for introduction into interstate commerce of this drug product before the final approval date is prohibited under Section 501 of the Act and 21 U.S.C. 331(d). Also, until the Agency issues the final approval letter, this drug product will not be deemed approved for marketing under 21 U.S.C. 355 and will not be listed in the "Approved Drug Products with Therapeutic Equivalence Evaluations" list (the "Orange Book"), published by the Agency. Should you believe that there are grounds for issuing the final approval letter prior to May 26, 2002, you should amend your application accordingly.

At the time you submit any amendments, you should contact Stanley Shepperson, Pharm.D., Project Manager, at (301) 827-5849, for further instructions.

Sincerely yours,

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

