



ANDA 76-274

Food and Drug Administration  
Rockville MD 20857

Apotex Corporation  
U.S. Agent for Apotex Inc.  
Attention: Kalpesh Shroff  
616 Heathrow Drive  
Lincolnshire, IL 60069

JAN 20 2006

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated November 16, 2001, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Clopidogrel Bisulfate Tablets, 75 mg.

Reference is also made to your amendments dated April 26, June 19, 2002; November 26, 2003; January 17, May 17, August 16, September 1, September 19, September 20, October 27, December 9, December 22, 2005; January 6 and January 10, 2006.

We have completed the review of this ANDA and have concluded that the drug is safe and effective for use as recommended in the submitted labeling. Accordingly the ANDA is approved. The Division of Bioequivalence has determined your Clopidogrel Bisulfate Tablets, 75 mg, to be bioequivalent and, therefore, therapeutically equivalent to the listed drug, Plavix® Tablets, 75 mg, of Sanofi-Aventis Group. Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The reference listed drug (RLD) upon which you have based your ANDA, Plavix® Tablets, 75 mg, of Sanofi-Aventis Group, is subject to periods of patent protection. The following patents and expiration dates are currently listed in the Agency's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"):

<u>U.S. Patent Number</u>	<u>Expiration Date</u>
4,847,265 (the '265 patent)	November 17, 2011
5,576,328 (the '328 patent)	January 31, 2014

6,429,210 (the '210 patent)            June 10, 2019  
6,504,030 (the '030 patent)            June 10, 2019

Your ANDA contains paragraph IV certifications under section 505(j)(2)(A)(vii)(IV) of the Act stating that each patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Clopidogrel Bisulfate Tablets, 75 mg, under this ANDA. Section 505(j)(5)(B)(iii)<sup>1</sup> of the Act provides that approval of an ANDA shall be made effective immediately unless action is brought against Apotex Corporation (Apotex) for infringement of one or more of the patents that were the subjects of paragraph IV certifications. You notified the Agency that Apotex complied with the requirements of section 505(j)(2)(B) of the Act, and with respect to the '210 and '030 patents, no infringement action was brought against Apotex. However, litigation in the United States District Court (b)(4) (b)(4) was brought against Apotex alleging infringement of the '265 and '328 patents (b)(4)

(b)(4)

(b)(4) . You notified the Agency that Sanofi-Aventis Group will not assert the '328 patent against Apotex, and that litigation is still ongoing with respect to the '265 patent. We note that the 7½ year period provided for in section 505(j)(5)(D)(ii) of the Act, during which the Agency was precluded from approving this ANDA, has expired.

With respect to 180-day generic drug exclusivity, we note that Apotex was the first to submit a substantially complete ANDA with a paragraph IV certification for Clopidogrel Bisulfate Tablets, 75 mg. Therefore, with this approval, Apotex is eligible for 180-days of market exclusivity. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act,<sup>2</sup> will begin to run from the earlier of the commercial marketing or court decision dates identified in section 505(j)(5)(B)(iv). Please submit correspondence to the ANDA informing the Agency of the date the exclusivity begins to run.

<sup>1</sup> Because information on the '265, '328, '210 and '030 patents was submitted before August 18, 2003, this reference to section 505(j)(5)(B)(iii) is to that section of the Act as in effect prior to December 8, 2003, when the Medicare Prescription Drug, Improvement and Modernization Act (MMA) (Public Law 108-173) was enacted. See MMA § 1101(c)(3).

<sup>2</sup> Because your ANDA was filed before the date of enactment of the MMA on December 8, 2003, this reference to the 180-day exclusivity provision is to the section of the Act as in effect prior to December 8, 2003. See MMA § 1102(b)(1).

Under section 506A of the Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change may be made.

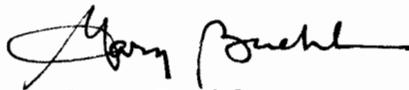
Post-marketing reporting requirements for this ANDA are set forth in 21 CFR 314.80-81 and 314.98. The Office of Generic Drugs should be advised of any change in the marketing status of this drug.

Promotional materials may be submitted to FDA for comment prior to publication or dissemination. Please note that these submissions are voluntary. If you desire comments on proposed launch promotional materials with respect to compliance with applicable regulatory requirements, we recommend you submit, in draft or mock-up form, two copies of both the promotional materials and package insert(s) directly to:

Food and Drug Administration  
Center for Drug Evaluation and Research  
Division of Drug Marketing, Advertising, and Communications  
5901-B Amundson Road  
Beltsville, MD 20705

We call your attention to 21 CFR 314.81(b)(3) which requires that all promotional materials be submitted to the Division of Drug Marketing, Advertising, and Communications (HFD-42) with a completed Form FDA 2253 at the time of their initial use.

Sincerely yours,



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