DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 090855

Mylan Pharmaceuticals Inc.
Attention: S. Wayne Talton
Vice President, Regulatory Affairs
781 Chestnut Ridge Road
P.O. Box 4310
Morgantown, WV 26504 - 4310

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated October 3, 2008, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Doxycycline Delayed-release Capsules, 40 mg (30 mg Immediate-release and 10 mg Delayed-release).

Reference is also made to your amendments dated May 26, and October 12, 2009; January 25, March 26, May 18, and May 21, 2010.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug is safe and effective for use as recommended in the submitted labeling. Accordingly the ANDA is approved, effective on the date of this letter. The Division of Bioequivalence has determined your Doxycycline Delayed-release Capsules, 40 mg (30 mg Immediate-release and 10 mg Delayed-release) to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Oracea Capsules, 40 mg, of Galderma Laboratiries LP (Galderma).

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:

Volume: 750 mL in acid stage, 950 mL in basic stage

Medium: Dilute Hydrochloric Acid, pH 1.1 for 2 hours and then add 200 mL of 0.16 N NaOH in 200 mM Phosphate Buffer. Adjust pH to 6 using 2 N HCl and/or 2 N NaOH.

Recommended Sampling Times: 1, 2, 2.5, 3 and 4 hours

Apparatus: 2 (Paddles) at 75 rpm

Specifications:

Acid Stage- Not less than (b) (4) and not more than (b) (4) at 2 hours.

Buffer Stage- Not less than (b) (4) at 2 hours (cumulative 4 hours).

These "interim" dissolution test(s) and tolerances should be finalized by submitting dissolution data from the first three production size batches. These data should be submitted as a "Special Supplement – Changes Being Effected" if there are no revisions to be made to the "interim" specifications, or if the final specifications are tighter than the "interim" specifications. In all other instances, the information should be submitted in the form of a Prior Approval Supplement.

The RLD upon which you have based your ANDA, Galderma's Oracea Capsules, is subject to periods of patent protection. The following patents and their expiration dates are currently listed in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book") for this drug product:

U.S. Patent Number	Expiration Date
5,789,395 (the '395 patent)	August 30, 2016
5,919,775 (the '775 patent)	August 30, 2016
7,211,267 (the '267 patent)	April 5, 2022
7,232,572 (the '572 patent)	April 5, 2022

With respect to each of these patents, 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 Doxycycline Delayed-release Capsules, 40 mg (30 mg Immediate-release and 10 mg Delayed-release, under this ANDA. You have

notified the agency that Mylan Pharmaceuticals Inc. (Mylan) complied with the requirements of section 505(j)(2)(B) of the Act and litigation was initiated against Mylan for infringement of the '395, '775, '267 and '572 patents in the United States District Court for the District of Delaware [The Research Foundation of State University, Galderma Laboratories Inc. and Galderma Laboratories L.P. V. Mylan Inc. Civil Action No: 09-184]. We note that the '395, '775, '267 and '572 patents were not listed with the agency by the NDA holder when the Office of Generic Drugs (OGD) received your ANDA on October 6, 2008, and your certification was submitted in an amendment to your ANDA. The agency has determined that, under these circumstances, there is no 30-month stay of approval.

With respect to 180-day generic drug exclusivity, we note that Mylan, by virtue of its timely submission to a substantially complete ANDA of an amendment containing paragraph IV certifications to the '395, '775, '267 and '572 patents, is a "first applicant" with respect to its ANDA for Doxycycline Delayed-release Capsules, 40 mg (30 mg Immediate-release and 10 mg Delayed-release).[1] Therefore, with this approval, Mylan is eligible for 180 days of generic drug exclusivity for Doxycycline Delayed-release Capsules, 40 mg (30 mg Immediate-release and 10 mg Delayed-release). This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, runs from the date of commercial marketing by a first applicant.

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.

Please note that if FDA requires a Risk Evaluation & Mitigation Strategy (REMS) for a listed drug, an ANDA citing that listed drug also will be required to have a REMS. See 505-1(i) of the Act.

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[1] See part (b) of section 4 of the QI Supplemental Funding Act of 2008 (QI Act). These Transitional Rules provide that, with respect to patent information filed with the Secretary within the 60-day period after enactment of the QI Act –

> each applicant that, not later than 120 days after the date of the enactment of this Act, amends an application that is, on or before the enactment of this Act, a substantially complete application … to contain a [paragraph IV certification] with respect to that patent shall be deemed to be a first applicant (as defined in paragraph (5)(B)(iv) of such section 505(j).

Postmarketing 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 directly to:

Food and Drug Administration
Center for Drug Evaluation and Research
Division of Drug Marketing, Advertising, and Communications
5901-B Ammendale 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 with a completed Form FDA 2253 at the time of their initial use.

As soon as possible, but no later than 14 days from the date of this letter, please submit, using the FDA automated drug registration and listing system (eLIST), the content of labeling [21 CFR 314.50(1)] in structured product labeling (SPL) format, as described at http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm, that is identical in content to the approved labeling (including the package insert, and any patient package insert and/or Medication Guide that may be required). Information on submitting SPL files using eLIST may be found in the guidance for industry titled “SPL Standard for Content of Labeling – Technical Qs and As” at http://www.fda.gov/downloads/DrugsGuidance/ComplianceRegulatoryInformation/Guidances/U CM072392.pdf

The SPL will be accessible via publicly available labeling repositories.

Sincerely yours,

{See appended electronic signature page}

Keith Webber, Ph.D.
Deputy Director
Office of Pharmaceutical Science
Center for Drug Evaluation and Research