



ANDA 091108

Sandoz Inc.
U.S. Agent for: Sandoz Canada, Inc.
Attention: Alison Sherwood
 Manager, Regulatory Affairs
2555 W. Midway Blvd.
P.O Box 446
Broomfield, CO 80038-0446

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated November 26, 2008, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Paricalcitol Injection USP, 2 mcg/mL packaged in 1 mL Single-dose Vials, and 5 mcg/mL packaged in 1 mL and 2 mL Single-dose Vials.

Reference is also made to the tentative approval letter issued by this office on April 18, 2011, and to your amendments dated June 14, and July 1, 2011.

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 Paricalcitol Injection USP, 2 mcg/mL packaged in 1 mL Single-dose Vials, and 5 mcg/mL packaged in 1 mL and 2 mL Single-dose Vials, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Zemplar Injection of Abbott Laboratories (Abbott).

The RLD upon which you have based your ANDA, Abbott's Zemplar Injection, 2 mcg/mL and 5 mcg/mL, is subject to periods of patent protection. The following patents and expiration dates (with pediatric exclusivity added) are currently listed in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"):

| <u>U.S. Patent Number</u> | <u>Expiration Date</u> |
|-----------------------------|------------------------|
| 5,246,925 (the '925 patent) | October 17, 2012 |
| 5,587,497 (the '497 patent) | June 24, 2014 |
| 6,136,799 (the '799 patent) | October 8, 2018 |
| 6,361,758 (the '758 patent) | October 8, 2018 |

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 Paricalcitol Injection USP, 2 mcg/mL packaged in 1 mL Single-dose Vials, and 5 mcg/mL packaged in 1 mL and 2 mL Single-dose Vials, under this ANDA. You have notified the agency that Sandoz Canada, Inc. (Sandoz) complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation for infringement of the '925, '497, '799, and '758 patents was initiated against Sandoz within the statutory 45-day period in the United States District Court for the District of Delaware [Abbott Laboratories and Wisconsin Alumni Research Foundation vs. Sandoz Inc. and Sandoz GmbH, Civil Action No. 1:09-cv-00215-UNA]. You notified the agency that on September 22, 2010, the case with respect to the '925, '497, '799, and '758 patents was dismissed with a negotiated settlement.

With respect to 180-day generic drug exclusivity, we note that Sandoz was the first ANDA applicant to submit a substantially complete ANDA for Paricalcitol Injection USP, 2 mcg/mL and 5 mcg/mL, with paragraph IV certifications to the patents listed above. Therefore, with this approval, Sandoz is eligible for 180 days of generic drug exclusivity for Paricalcitol Injection USP, 2 mcg/mL and 5 mcg/mL. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the date of the commercial marketing identified in section 505(j)(5)(B)(iv). Please submit correspondence to this ANDA informing the agency of the date the exclusivity begins to run.

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 section 505-1(i) of the Act.

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(s) 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, submit, using the FDA automated drug registration and listing system (eLIST), the content of labeling [21 CFR 314.50(l)] 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/DrugsGuidanceComplianceRegulatoryInformation/Guidances/UCM072392.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

This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.

/s/

ROBERT L WEST

07/27/2011

Deputy Director, Office of Generic Drugs
for Keith Webber, Ph.D.