



ANDA 091261

Apotex Corp.  
U.S. Agent for: Apotex Inc.  
Attention: Kiran Krishnan  
Director, Regulatory Affairs  
2400 North Commerce Parkway, Suite 400  
Weston, FL 33326

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated January 28, 2009, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Levetiracetam Extended-release Tablets, 500 mg and 750 mg.

Reference is also made to the tentative approval issued by this agency on August 16, 2011 and to your amendments dated August 21, October 21, November 5, and December 23, 2009; January 22, March 12, and November 15, 2010; and January 7, January 24, March 28, June 30, August 3, and August 17, 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 Levetiracetam Extended-release Tablets, 500 mg and 750 mg to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Keppra XR of UCB, Inc.

Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA. The “interim” dissolution specifications are as follows:

Dissolution Testing should be conducted in

Medium: 0.05 M Phosphate Buffer, pH 6.0  
Volume: 900 mL  
Apparatus: USP Apparatus I (Basket)  
Speed: 100 rpm  
Temperature: 37° C ± 0.5° C

Specifications: 1 hr: NMT (b) (4)

4 hrs: (b) (4)  
8 hrs: NLT (b) (4)  
12 hrs: NLT (b) (4)

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 as a Special Supplement – Changes Being Effected 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 Prior Approval Supplement.

The RLD upon which you have based your ANDA, UCB’s Keppra XR Tablets, is subject to a period of patent protection. As noted in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the “Orange Book”), U.S. Patent No. 7,858,122 (the '122 patent), is scheduled to expire on September 17, 2028.

Your ANDA contains a paragraph IV certification under section 505(j)(2)(A)(vii)(IV) of the Act stating that the '122 patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Levetiracetam Extended-Release Tablets, 500 mg and 750 mg, under this ANDA. You have notified the agency that Apotex complied with the requirements of section 505(j)(2)(B) of the Act, and that no action for infringement was brought against Apotex.

With respect to 180-day generic drug exclusivity, we note that Apotex was a first applicant to submit a substantially complete ANDA with a paragraph IV certification to the '122 patent. Therefore, with this approval, Apotex is eligible for 180 days of generic drug exclusivity for Levetiracetam Extended-Release Tablets, 750 mg. 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.

(b) (4)

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.

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 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.

You have been requested to provide information after the ANDA has been approved. Any information submitted to meet the conditions requested in this letter is considered a “Post Approval Commitment Response.” To alert the Office of Generic Drug staff to the fact that you are providing post approval commitment information, please designate your submission in your cover letter as “POST APPROVAL COMMITMENT RESPONSE.”

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(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/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

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**This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.**  
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/s/  
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ROBERT L WEST

09/12/2011

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