ANDA 215893

ANDA APPROVAL

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

Dear Kiran Krishnan:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on March 31, 2021, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Ponatinib Tablets, 15 mg and 45 mg.

Reference is also made to the tentative approval letter issued by this office on March 13, 2023, and to any amendments thereafter.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug meets the requirements for approval under the FD&C Act. Accordingly the ANDA is **approved**, effective on the date of this letter. We have determined your Ponatinib Tablets, 15 mg and 45 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Iclusig Tablets, 15 mg and 45 mg, of Takeda Pharmaceuticals U.S.A., Inc. (Takeda).

The RLD upon which you have based your ANDA, Takeda's Iclusig Tablets, 15 mg and 45 mg, is subject to periods of patent protection. The following patents and expiration dates are currently listed in the Agency's publication titled *Approved Drug Products with Therapeutic Equivalence Evaluations* (the "Orange Book"):

U.S. Patent Number	Expiration Date
8,114,874 (the '874 patent)	January 24, 2027
9,029,533 (the '533 patent)	December 22, 2026
9,493,470 (the '470 patent)	December 12, 2033
11,192,895 (the '895 patent)	December 12, 2033
11,192,897 (the '897 patent)	December 12, 2033

11,384,086 (the '086 patent) December 12, 2033

Your ANDA contains paragraph IV certifications to each of the patents[1], under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patents are invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Ponatinib Tablets, 15 mg and 45 mg, under this ANDA. You have notified the Agency that Apotex Inc. (Apotex) complied with the requirements of section 505(j)(2)(B) of the FD&C Act. Litigation was initiated within the statutory 45-day period against Apotex for infringement of the '470 patent in the United States District Court for the District of New Jersey [Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals U.S.A., Inc., and Ariad Pharmaceuticals, Inc. v. Apotex, Inc., Civil Action No. 21-12998]. You have also notified the Agency that this case was dismissed.

With respect to 180-day generic drug exclusivity, we note that Apotex was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Ponatinib Tablets, 15 mg and 45 mg. Therefore, with this approval, Apotex is eligible for 180 days of generic drug exclusivity for Ponatinib Tablets, 15 mg and 45 mg. FDA notes that after issuance of this approval letter, eligibility for 180-day exclusivity is subject to future events that may result in forfeiture of exclusivity under section 505(j)(5)(D) of the FD&C Act. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the FD&C Act, begins to run from the date of the commercial marketing by any first applicant, as identified in section 505(j)(5)(B)(iv). Please submit correspondence to this ANDA notifying the Agency within 30 days of the date of the first commercial marketing of this drug product or the RLD. If you do not notify the Agency within 30 days, the date of first commercial marketing will be deemed to be the date of the drug product's approval. See 21 CFR 314.107(c)(2).

The RLD upon which you have based your ANDA, Takeda's Iclusig Tablets, 15 mg and 45 mg, is also subject to a period of exclusivity. As noted in the Orange Book, the I-849 exclusivity is scheduled to expire on December 18, 2023. You have provided a copy of a letter from Takeda dated April 13, 2023 that waives the unexpired I-849 exclusivity period associated with the RLD.

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

COMPENDIAL STANDARDS

A drug with a name recognized in the official United States Pharmacopeia or official National Formulary (USP-NF) generally must comply with the compendial standard for strength, quality, and purity, unless the difference in strength, quality, or purity is plainly stated on its label (see FD&C Act § 501(b), 21 USC 351(b)). FDA typically cannot share application-specific information contained in submitted regulatory filings with third parties, which includes USP-NF. To help ensure that a drug continues to comply with

compendial standards, application holders may work directly with USP-NF to revise official USP monographs. More information on the USP-NF is available on USP's website as https://www.uspnf.com/.

REQUIREMENTS AND RECOMMENDATIONS POST APPROVAL

Under applicable statutes, regulations, and guidances, your ANDA may be subject to certain requirements and recommendations post approval, including requirements regarding changes to approved ANDAs, postmarketing reporting, promotional materials, and annual facility fees, among others. For information on post-approval requirements and recommendations for ANDAs and a list of resources for ANDA holders, we refer you to https://www.fda.gov/drugs/abbreviated-new-drug-application-anda/requirements-and-resources-approved-andas.

Sincerely yours,

{See appended electronic signature page}

For Edward M. Sherwood
Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research

[1] The Agency notes that the '895, '897, and '086 patents were submitted to the Agency after submission of your ANDA. Litigation, if any, with respect to these patents would not create a statutory stay of approval.