

**CENTER FOR DRUG EVALUATION AND
RESEARCH**

APPLICATION NUMBER:

22-009

**ADMINISTRATIVE and CORRESPONDENCE
DOCUMENTS**

**PATENT INFORMATION SUBMITTED WITH THE
FILING OF AN NDA, AMENDMENT, OR SUPPLEMENT**

**For Each Patent That Claims a Drug Substance
(Active Ingredient), Drug Product (Formulation and
Composition) and/or Method of Use**

NDA NUMBER

22-009

NAME OF APPLICANT / NDA HOLDER

L'Oréal USA Products Inc.

The following is provided in accordance with Section 505(b) and (c) of the Federal Food, Drug, and Cosmetic Act.

TRADE NAME (OR PROPOSED TRADE NAME)

VARIOUS: UV EXPERT Suncare; CAPITAL SOLEIL Suncare; ANTHELIOS Sunscreen

ACTIVE INGREDIENT(S)

Ecamsule
Titanium Dioxide
Avobenzone
Octocrylene

STRENGTH(S)

3%
5%
2%
10%

DOSAGE FORM

Topical cream

This patent declaration form is required to be submitted to the Food and Drug Administration (FDA) with an NDA application, amendment, or supplement as required by 21 CFR 314.53 at the address provided in 21 CFR 314.53(d)(4). Within thirty (30) days after approval of an NDA or supplement, or within thirty (30) days of issuance of a new patent, a new patent declaration must be submitted pursuant to 21 CFR 314.53(c)(2)(ii) with all of the required information based on the approved NDA or supplement. The information submitted in the declaration form submitted upon or after approval will be the only information relied upon by FDA for listing a patent in the Orange Book.

For hand-written or typewriter versions (only) of this report: If additional space is required for any narrative answer (i.e., one that does not require a "Yes" or "No" response), please attach an additional page referencing the question number.

FDA will not list patent information if you file an incomplete patent declaration or the patent declaration indicates the patent is not eligible for listing.

For each patent submitted for the pending NDA, amendment, or supplement referenced above, you must submit all the information described below. If you are not submitting any patents for this pending NDA, amendment, or supplement, complete above section and sections 5 and 6.

1. GENERAL

a. United States Patent Number
5,587,150

b. Issue Date of Patent
12/24/1996

c. Expiration Date of Patent
12/24/2013

d. Name of Patent Owner
L'Oréal S.A.

Address (of Patent Owner)
River Plaza - 29 Quai Aulagnier

City/State
Asnieres

ZIP Code
92600

FAX Number (if available)

Telephone Number
331 47 56 88 03

E-Mail Address (if available)
lmiszupten@rd.loreal.com

e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)

Address (of agent or representative named in 1.e.)
111 Terminal Avenue

City/State
Clark, NJ

ZIP Code
07066

FAX Number (if available)
732-396-7051

Telephone Number
732-680-5708

E-Mail Address (if available)
ameyers@rd.us.loreal.com

Alan J. Meyers
Senior Vice President
L'Oréal USA Products, Inc.

f. Is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above?

Yes

No

Patent # 5,587,150

g. If the patent referenced above has been submitted previously for listing, is the expiration date a new expiration date? Yes No

For the patent referenced above, provide the following information on the drug substance, drug product and/or method of use that is the subject of the pending NDA, amendment, or supplement.

2. Drug Substance (Active Ingredient)

- 2.1 Does the patent claim the drug substance that is the active ingredient in the drug product described in the pending NDA, amendment, or supplement? Yes No
- 2.2 Does the patent claim a drug substance that is a different polymorph of the active ingredient described in the pending NDA, amendment, or supplement? Yes No
- 2.3 If the answer to question 2.2 is "Yes," do you certify that, as of the date of this declaration, you have test data demonstrating that a drug product containing the polymorph will perform the same as the drug product described in the NDA? The type of test data required is described at 21 CFR 314.53(b). Yes No
- 2.4 Specify the polymorphic form(s) claimed by the patent for which you have the test results described in 2.3.
N/A
- 2.5 Does the patent claim only a metabolite of the active ingredient pending in the NDA or supplement? (Complete the information in section 4 below if the patent claims a pending method of using the pending drug product to administer the metabolite.) Yes No
- 2.6 Does the patent claim only an intermediate? Yes No
- 2.7 If the patent referenced in 2.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

3. Drug Product (Composition/Formulation)

- 3.1 Does the patent claim the drug product, as defined in 21 CFR 314.3, in the pending NDA, amendment, or supplement? Yes No
- 3.2 Does the patent claim only an intermediate? Yes No
- 3.3 If the patent referenced in 3.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

4. Method of Use

Sponsors must submit the information in section 4 separately for each patent claim claiming a method of using the pending drug product for which approval is being sought. For each method of use claim referenced, provide the following information:

- 4.1 Does the patent claim one or more methods of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No
- 4.2 Patent Claim Number (as listed in the patent) 15, 31 Does the patent claim referenced in 4.2 claim a pending method of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No
- 4.2a If the answer to 4.2 is "Yes," identify with specificity the use with reference to the proposed labeling for the drug product. Use: (Submit indication or method of use information as identified specifically in the approved labeling.)
Sunscreen
" For protecting human epidermis against UV-A and/or UV-B rays"

5. No Relevant Patents

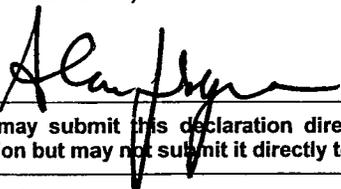
For this pending NDA, amendment, or supplement, there are no relevant patents that claim the drug substance (active ingredient), drug product (formulation or composition) or method(s) of use, for which the applicant is seeking approval and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product. Yes

6 Declaration Certification

6.1 *The undersigned declares that this is an accurate and complete submission of patent information for the NDA, amendment, or supplement pending under section 505 of the Federal Food, Drug, and Cosmetic Act. This time-sensitive patent information is submitted pursuant to 21 CFR 314.53. I attest that I am familiar with 21 CFR 314.53 and this submission complies with the requirements of the regulation. I verify under penalty of perjury that the foregoing is true and correct.*

Warning: A willfully and knowingly false statement is a criminal offense under 18 U.S.C. 1001.

6.2 Authorized Signature of NDA Applicant/Holder or Patent Owner (Attorney, Agent, Representative or other Authorized Official) (Provide Information below) Date Signed



5/31/07

NOTE: Only an NDA applicant/holder may submit this declaration directly to the FDA. A patent owner who is not the NDA applicant/holder is authorized to sign the declaration but may not submit it directly to FDA. 21 CFR 314.53(c)(4) and (d)(4).

Check applicable box and provide information below.

<input checked="" type="checkbox"/> NDA Applicant/Holder	<input type="checkbox"/> NDA Applicant's/Holder's Attorney, Agent (Representative) or other Authorized Official
<input type="checkbox"/> Patent Owner	<input type="checkbox"/> Patent Owner's Attorney, Agent (Representative) or Other Authorized Official
Name Alan J. Meyers	
Address L'Oréal USA Products, Inc. 111 Terminal Avenue	City/State Clark, NJ
ZIP Code 07066	Telephone Number 732-680-5708
FAX Number (if available) 732-396-7051	E-Mail Address (if available) ameyers@rd.us.loreal.com

The public reporting burden for this collection of information has been estimated to average 9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Food and Drug Administration
CDER (HFD-007)
5600 Fishers Lane
Rockville, MD 20857

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

INFORMATION AND INSTRUCTIONS FOR FORM 3542a
PATENT INFORMATION SUBMITTED WITH THE FILING
OF AN NDA, AMENDMENT OR SUPPLEMENT

General Information

- To submit patent information to the agency the appropriate patent declaration form must be used. Two forms are available for patent submissions. The approval status of your New Drug Application will determine which form you should use.
- Form 3542a should be used when submitting patent information with original NDA submissions, NDA amendments and NDA supplements prior to approval.
- Form 3542 should be used after NDA or supplemental approval. This form is to be submitted within 30 days after approval of an application. This form should also be used to submit patent information relating to an approved supplement under 21 CFR 314.53(d) to change the formulation, add a new indication or other condition of use, change the strength, or to make any other patented change regarding the drug, drug product, or any method of use.
- Form 3542 is also to be used for patents issued after drug approval. Patents issued after drug approval are required to be submitted within 30 days of patent issuance for the patent to be considered "timely filed."
- Only information from form 3542 will be used for Orange Book Publication purposes.
- Forms should be submitted as described in 21 CFR 314.53. An additional copy of form 3542 to the Orange Book Staff will expedite patent publication in the Orange Book. The Orange Book Staff address (as of July 2003) is: Orange Book Staff, Office of Generic Drugs OGD/HFD-610, 7500 Standish Place, Rockville, MD 20855.
- The receipt date is the date that the patent information is date stamped in the central document room. Patents are considered listed on the date received.
- Additional copies of these forms may be downloaded from the Internet at: <http://forms.psc.gov/forms/fdahtm/fdahtm.html>.

First Section

Complete all items in this section.

1. General Section

Complete all items in this section with reference to the patent itself.

- 1c) Include patent expiration date, including any Hatch-Waxman patent extension already granted. Do not include any applicable pediatric exclusivity. The agency will include pediatric exclusivities where applicable upon publication.
- 1d) Include full address of patent owner. If patent owner resides outside the U.S. indicate the country in the zip code block.

- 1e) Answer this question if applicable. If patent owner and NDA applicant/holder reside in the United States, leave space blank.

2. Drug Substance (Active Ingredient)

Complete all items in this section if the patent claims the drug substance that is the subject of the pending NDA, amendment, or supplement.

- 2.4) Name the polymorphic form of the drug identified by the patent.
- 2.5) A patent for a metabolite of the approved active ingredient may not be submitted. If the patent claims an approved method of using the approved drug product to administer the metabolite, the patent may be submitted as a method of use patent depending on the responses to section 4 of this form.
- 2.7) Answer this question only if the patent is a product-by-process patent.

3. Drug Product (Composition/Formulation)

Complete all items in this section if the patent claims the drug product that is the subject of the pending NDA, amendment, or supplement.

- 3.3) An answer to this question is required only if the referenced patent is a product-by-process patent.

4. Method of Use

Complete all items in this section if the patent claims a method of use of the drug product that is the subject of the pending NDA, amendment, or supplement.

- 4.2) Identify by number each claim in the patent that claims the use(s) of the drug for which approval is being sought. Indicate whether or not each individual claim is a claim for a method(s) of use of the drug for which approval is being sought.
- 4.2a) Specify the part of the proposed drug labeling that is claimed by the patent.

5. No Relevant Patents

Complete this section only if applicable.

6. Declaration Certification

Complete all items in this section.

- 6.2) Authorized signature. Check one of the four boxes that best describes the authorized signature.

**PATENT INFORMATION SUBMITTED WITH THE
FILING OF AN NDA, AMENDMENT, OR SUPPLEMENT**
*For Each Patent That Claims a Drug Substance
(Active Ingredient), Drug Product (Formulation and
Composition) and/or Method of Use*

NDA NUMBER

22-009

NAME OF APPLICANT / NDA HOLDER

L'Oréal USA Products, Inc

The following is provided in accordance with Section 505(b) and (c) of the Federal Food, Drug, and Cosmetic Act.

TRADE NAME (OR PROPOSED TRADE NAME)

VARIOUS CAPITAL SOLEIL Sunscreen; UV EXPERT Sunscreen; ANTHELIOS Sunscreen

ACTIVE INGREDIENT(S)

ecamsule
titanium dioxide
avobenzone
octocrylene

STRENGTH(S)

3%
5%
2%
10%

DOSAGE FORM

Topical cream

This patent declaration form is required to be submitted to the Food and Drug Administration (FDA) with an NDA application, amendment, or supplement as required by 21 CFR 314.53 at the address provided in 21 CFR 314.53(d)(4). Within thirty (30) days after approval of an NDA or supplement, or within thirty (30) days of issuance of a new patent, a new patent declaration must be submitted pursuant to 21 CFR 314.53(c)(2)(ii) with all of the required information based on the approved NDA or supplement. The information submitted in the declaration form submitted upon or after approval will be the only information relied upon by FDA for listing a patent in the Orange Book.

For hand-written or typewriter versions (only) of this report: If additional space is required for any narrative answer (i.e., one that does not require a "Yes" or "No" response), please attach an additional page referencing the question number.

FDA will not list patent information if you file an incomplete patent declaration or the patent declaration indicates the patent is not eligible for listing.

For each patent submitted for the pending NDA, amendment, or supplement referenced above, you must submit all the information described below. If you are not submitting any patents for this pending NDA, amendment, or supplement, complete above section and sections 5 and 6.

4. GENERAL

a. United States Patent Number
4,585,597

b. Issue Date of Patent
4/29/1986

c. Expiration Date of Patent
6/10/2007*

d. Name of Patent Owner
L'Oréal S.A.

Address (of Patent Owner)
River Plaza - 29, Quai Aulagnier

City/State
Asnieres

ZIP Code
92600

FAX Number (if available)

Telephone Number
331-47-56-88-031

E-Mail Address (if available)
lmiszputen@rd.loreal.com

e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)

Address (of agent or representative named in 1.e.)

P.O. Box 1404
1737 King St. - Suite 500

City/State
Alexandria, VA

ZIP Code
22314-2727

FAX Number (if available)

Telephone Number
703-836-6620

E-Mail Address (if available)

Norman H. Stepno, Esquire
Burns, Doane, Swecker & Mathias LLP

1. is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above?

Yes

No

Patent# 4,587,597

g. If the patent referenced above has been submitted previously for listing, is the expiration date a new expiration date?

Yes

No

* Refers to Section 1.c.

Pursuant to 35 U.S.C. § 156(e)(2). An application for extension of patent term under 35 U.S.C. § 156(d)(1) is currently pending before the U.S. Patent and Trademark Office.

For the patent referenced above, provide the following information on the drug substance, drug product and/or method of use that is the subject of the pending NDA, amendment, or supplement.

2. Drug Substance (Active Ingredient)

- 2.1 Does the patent claim the drug substance that is the active ingredient in the drug product described in the pending NDA, amendment, or supplement? Yes No
- 2.2 Does the patent claim a drug substance that is a different polymorph of the active ingredient described in the pending NDA, amendment, or supplement? Yes No
- 2.3 If the answer to question 2.2 is "Yes," do you certify that, as of the date of this declaration, you have test data demonstrating that a drug product containing the polymorph will perform the same as the drug product described in the NDA? The type of test data required is described at 21 CFR 314.53(b). Yes No
- 2.4 Specify the polymorphic form(s) claimed by the patent for which you have the test results described in 2.3.
N/A
- 2.5 Does the patent claim only a metabolite of the active ingredient pending in the NDA or supplement? (Complete the information in section 4 below if the patent claims a pending method of using the pending drug product to administer the metabolite.) Yes No
- 2.6 Does the patent claim only an intermediate? Yes No
- 2.7 If the patent referenced in 2.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

3. Drug Product (Composition/Formulation)

- 3.1 Does the patent claim the drug product, as defined in 21 CFR 314.3, in the pending NDA, amendment, or supplement? Yes No
- 3.2 Does the patent claim only an intermediate? Yes No
- 3.3 If the patent referenced in 3.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

4. Method of Use

Sponsors must submit the information in section 4 separately for each patent claim claiming a method of using the pending drug product for which approval is being sought. For each method of use claim referenced, provide the following information:

- 4.1 Does the patent claim one or more methods of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No
- 4.2 Patent Claim Number (as listed in the patent) 13 Does the patent claim referenced in 4.2 claim a pending method of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No
- 4.2a If the answer to 4.2 is "Yes," identify with specificity the use with reference to the proposed labeling for the drug product.
Use: (Submit indication or method of use information as identified specifically in the approved labeling.)
Sunscreen
"For protecting human epidermis against UV-A and/or UV-B rays"

5. No Relevant Patents

For this pending NDA, amendment, or supplement, there are no relevant patents that claim the drug substance (active ingredient), drug product (formulation or composition) or method(s) of use, for which the applicant is seeking approval and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product. Yes

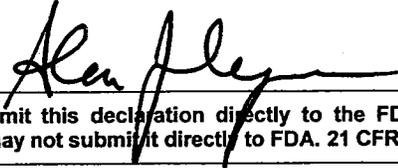
6. Declaration Certification

6.1 *The undersigned declares that this is an accurate and complete submission of patent information for the NDA, amendment, or supplement pending under section 505 of the Federal Food, Drug, and Cosmetic Act. This time-sensitive patent information is submitted pursuant to 21 CFR 314.53. I attest that I am familiar with 21 CFR 314.53 and this submission complies with the requirements of the regulation. I verify under penalty of perjury that the foregoing is true and correct.*

Warning: A willfully and knowingly false statement is a criminal offense under 18 U.S.C. 1001.

6.2 Authorized Signature of NDA Applicant/Holder or Patent Owner (Attorney, Agent, Representative or other Authorized Official) (Provide Information below)

Date Signed



5/31/07

NOTE: Only an NDA applicant/holder may submit this declaration directly to the FDA. A patent owner who is not the NDA applicant/holder is authorized to sign the declaration but may not submit it directly to FDA. 21 CFR 314.53(c)(4) and (d)(4).

Check applicable box and provide information below.

NDA Applicant/Holder

NDA Applicant's/Holder's Attorney, Agent (Representative) or other Authorized Official

Patent Owner

Patent Owner's Attorney, Agent (Representative) or Other Authorized Official

Name
Alan J. Meyers

Address
L'Oréal USA Products, Inc.
111 Terminal Avenue

City/State
Clark, NJ

ZIP Code
07066

Telephone Number
732-680-5708

FAX Number (if available)
732-396-7051

E-Mail Address (if available)
ameyers@rd.us.loreal.com

The public reporting burden for this collection of information has been estimated to average 9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Food and Drug Administration
CDER (HFD-007)
5600 Fishers Lane
Rockville, MD 20857

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

INFORMATION AND INSTRUCTIONS FOR FORM 3542a

PATENT INFORMATION SUBMITTED WITH THE FILING OF AN NDA, AMENDMENT OR SUPPLEMENT

General Information

- To submit patent information to the agency the appropriate patent declaration form must be used. Two forms are available for patent submissions. The approval status of your New Drug Application will determine which form you should use.
- Form 3542a should be used when submitting patent information with original NDA submissions, NDA amendments and NDA supplements prior to approval.
- Form 3542 should be used after NDA or supplemental approval. This form is to be submitted within 30 days after approval of an application. This form should also be used to submit patent information relating to an approved supplement under 21 CFR 314.53(d) to change the formulation, add a new indication or other condition of use, change the strength, or to make any other patented change regarding the drug, drug product, or any method of use.
- Form 3542 is also to be used for patents issued after drug approval. Patents issued after drug approval are required to be submitted within 30 days of patent issuance for the patent to be considered "timely filed."
- Only information from form 3542 will be used for Orange Book Publication purposes.
- Forms should be submitted as described in 21 CFR 314.53. An additional copy of form 3542 to the Orange Book Staff will expedite patent publication in the Orange Book. The Orange Book Staff address (as of July 2003) is: Orange Book Staff, Office of Generic Drugs OGD/HFD-610, 7500 Standish Place, Rockville, MD 20855.
- The receipt date is the date that the patent information is date stamped in the central document room. Patents are considered listed on the date received.
- Additional copies of these forms may be downloaded from the Internet at: <http://forms.psc.gov/forms/fdahtm/fdahtm.html>.

First Section

Complete all items in this section.

1. General Section

Complete all items in this section with reference to the patent itself.

- 1c) Include patent expiration date, including any Hatch-Waxman patent extension already granted. Do not include any applicable pediatric exclusivity. The agency will include pediatric exclusivities where applicable upon publication.
- 1d) Include full address of patent owner. If patent owner resides outside the U.S. indicate the country in the zip code block.

- e) Answer this question if applicable. If patent owner and NDA applicant/holder reside in the United States, leave space blank.

2. Drug Substance (Active Ingredient)

Complete all items in this section if the patent claims the drug substance that is the subject of the pending NDA, amendment, or supplement.

- 2.4) Name the polymorphic form of the drug identified by the patent.
- 2.5) A patent for a metabolite of the approved active ingredient may not be submitted. If the patent claims an approved method of using the approved drug product to administer the metabolite, the patent may be submitted as a method of use patent depending on the responses to section 4 of this form.
- 2.7) Answer this question only if the patent is a product-by-process patent.

3. Drug Product (Composition/Formulation)

Complete all items in this section if the patent claims the drug product that is the subject of the pending NDA, amendment, or supplement.

- 3.3) An answer to this question is required only if the referenced patent is a product-by-process patent.

4. Method of Use

Complete all items in this section if the patent claims a method of use of the drug product that is the subject of the pending NDA, amendment, or supplement.

- 4.2) Identify by number each claim in the patent that claims the use(s) of the drug for which approval is being sought. Indicate whether or not each individual claim is a claim for a method(s) of use of the drug for which approval is being sought.
- 4.2a) Specify the part of the proposed drug labeling that is claimed by the patent.

5. No Relevant Patents

Complete this section only if applicable.

6. Declaration Certification

Complete all items in this section.

- 6.2) Authorized signature. Check one of the four boxes that best describes the authorized signature.

Desk Copy - HFD-560 - Elaine Abraham

L'ORÉAL U S A

DUPLICATE

CDER/CDR

JUN 12 2007

RECEIVED

June 7, 2007

Re: PATENT INFORMATION
NDA 22-009 (User Fee ID# PD3006319, PD3007003)
Helioblock SPF 40 _____, Sunscreen Cream

RECEIVED

b(4)

JUN 13 2007

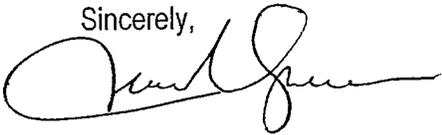
CDER White Oak DR1

Central Document Room
Center for Drug Evaluation and Research
Food & Drug Administration
5901 Unit B, Ammendale Road
Beltsville, MD 20705-1266

To Whom It May Concern:

In accordance with 21 CFR §314.53 (d), L'ORÉAL USA Products, Inc. herewith submits the required patent information for NDA 22-009. This information is a duplicate of the information contained in Item 13 of the NDA submission. As required by 21 CFR § 314.53(d), this information is being submitted in duplicate by letter, separate from the NDA submission. The original NDA was submitted to the FDA on May 31, 2007.

Sincerely,



Jean R. Grieve
Assistant Vice President
Research & Development – Drug Approval Group
L'ORÉAL USA Products, Inc.

**ITEM 13: SUBMISSION OF PATENT INFORMATION ON ANY
PATENT WHICH CLAIMS THE DRUG (21 U.S.C. § 355 (b) or (c))**

The following information is submitted pursuant to 21 C.F.R. § 314.50(h) and § 314.53(c):

See Attached Forms FDA 3452a for patent 4,585,597 and patent 5,587, 150.

The following information is submitted pursuant to 21 C.F.R. § 314.50(j):

I. Claimed Exclusivity (21 C.F.R. § 314.50 (j)):

(1) Applicant L'Oréal USA Products Inc. claims three (3) years of marketing exclusivity for the combination drug product, Helioblock® SX Cream SPF 40, which is the subject of this New Drug Application (22-009), filed under section 505(b) of the FDCA. Applicant, L'Oréal USA Products Inc. claims 3 years of marketing exclusivity because NDA 22-009 contains reports of new clinical investigations (other than bioavailability studies) essential to the approval of this NDA that were conducted or sponsored by the applicant L'Oréal USA Products Inc.

(2) Applicant refers to 21 C.F.R. § 314.108(b)(4) in support of this claim.

Date: 5/31/07

Signed: 

ALAN J. MEYERS
Senior Vice President
Research & Development
L'Oréal USA Products, Inc.
111 L'Oréal Way
Clark, NJ 07066

Department of Health and Human Services
Food and Drug Administration

Form Approved: OMB No. 0910-0513
Expiration Date: 07/31/06
See OMB Statement on Page 3.

**PATENT INFORMATION SUBMITTED WITH THE
FILING OF AN NDA, AMENDMENT, OR SUPPLEMENT**

**For Each Patent That Claims a Drug Substance
(Active Ingredient), Drug Product (Formulation and
Composition) and/or Method of Use**

NDA NUMBER

22-009

NAME OF APPLICANT / NDA HOLDER

L'Oréal USA Products Inc.

The following is provided in accordance with Section 505(b) and (c) of the Federal Food, Drug, and Cosmetic Act.

TRADE NAME (OR PROPOSED TRADE NAME)

VARIOUS: UV EXPERT Suncare; CAPITAL SOLEIL Suncare; ANTHELIOS Sunscreen

ACTIVE INGREDIENT(S)

Ecamsule
Titanium Dioxide
Avobenzene
Octocrylene

STRENGTH(S)

3%
5%
2%
10%

DOSAGE FORM

Topical cream

This patent declaration form is required to be submitted to the Food and Drug Administration (FDA) with an NDA application, amendment, or supplement as required by 21 CFR 314.53 at the address provided in 21 CFR 314.53(d)(4). Within thirty (30) days after approval of an NDA or supplement, or within thirty (30) days of issuance of a new patent, a new patent declaration must be submitted pursuant to 21 CFR 314.53(c)(2)(ii) with all of the required information based on the approved NDA or supplement. The information submitted in the declaration form submitted upon or after approval will be the only information relied upon by FDA for listing a patent in the Orange Book.

For hand-written or typewriter versions (only) of this report: If additional space is required for any narrative answer (i.e., one that does not require a "Yes" or "No" response), please attach an additional page referencing the question number.

FDA will not list patent information if you file an incomplete patent declaration or the patent declaration indicates the patent is not eligible for listing.

For each patent submitted for the pending NDA, amendment, or supplement referenced above, you must submit all the information described below. If you are not submitting any patents for this pending NDA, amendment, or supplement, complete above section and sections 5 and 6.

1. GENERAL

a. United States Patent Number

5,587,150

b. Issue Date of Patent

12/24/1996

c. Expiration Date of Patent

12/24/2013

d. Name of Patent Owner

L'Oréal S.A.

Address (of Patent Owner)

River Plaza - 29 Quai Aulagnier

City/State

Asnieres

ZIP Code

92600

FAX Number (if available)

Telephone Number

331 47 56 88 03

E-Mail Address (if available)

lmiszupten@rd.loreal.com

e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)



Alan J. Meyers

Senior Vice President

L'Oréal USA Products, Inc.

Address (of agent or representative named in 1.e.)

111 Terminal Avenue

City/State

Clark, NJ

ZIP Code

07066

FAX Number (if available)

732-396-7051

Telephone Number

732-680-5708

E-Mail Address (if available)

ameyers@rd.us.loreal.com

f. Is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above?

Yes

No

Patent # 5,587,150

g. If the patent referenced above has been submitted previously for listing, is the expiration date a new expiration date?

Yes

No

For the patent referenced above, provide the following information on the drug substance, drug product and/or method of use that is the subject of the pending NDA, amendment, or supplement.

2. Drug Substance (Active Ingredient)

- 2.1 Does the patent claim the drug substance that is the active ingredient in the drug product described in the pending NDA, amendment, or supplement? Yes No
- 2.2 Does the patent claim a drug substance that is a different polymorph of the active ingredient described in the pending NDA, amendment, or supplement? Yes No
- 2.3 If the answer to question 2.2 is "Yes," do you certify that, as of the date of this declaration, you have test data demonstrating that a drug product containing the polymorph will perform the same as the drug product described in the NDA? The type of test data required is described at 21 CFR 314.53(b). Yes No

2.4 Specify the polymorphic form(s) claimed by the patent for which you have the test results described in 2.3.
N/A

- 2.5 Does the patent claim only a metabolite of the active ingredient pending in the NDA or supplement? (Complete the information in section 4 below if the patent claims a pending method of using the pending drug product to administer the metabolite.) Yes No
- 2.6 Does the patent claim only an intermediate? Yes No
- 2.7 If the patent referenced in 2.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

3. Drug Product (Composition/Formulation)

- 3.1 Does the patent claim the drug product, as defined in 21 CFR 314.3, in the pending NDA, amendment, or supplement? Yes No
- 3.2 Does the patent claim only an intermediate? Yes No
- 3.3 If the patent referenced in 3.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

4. Method of Use

Sponsors must submit the information in section 4 separately for each patent claim claiming a method of using the pending drug product for which approval is being sought. For each method of use claim referenced, provide the following information:

- 4.1 Does the patent claim one or more methods of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No
- 4.2 Patent Claim Number (as listed in the patent) 15, 31 Does the patent claim referenced in 4.2 claim a pending method of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No

4.2a If the answer to 4.2 is "Yes," identify with specificity the use with reference to the proposed labeling for the drug product.
Use: (Submit indication or method of use information as identified specifically in the approved labeling.)
Sunscreen
" For protecting human epidermis against UV-A and/or UV-B rays"

5. No Relevant Patents

For this pending NDA, amendment, or supplement, there are no relevant patents that claim the drug substance (active ingredient), drug product (formulation or composition) or method(s) of use, for which the applicant is seeking approval and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product. Yes

Patent # 5,587,150

6. Declaration Certification

6.1 The undersigned declares that this is an accurate and complete submission of patent information for the NDA, amendment, or supplement pending under section 505 of the Federal Food, Drug, and Cosmetic Act. This time-sensitive patent information is submitted pursuant to 21 CFR 314.53. I attest that I am familiar with 21 CFR 314.53 and this submission complies with the requirements of the regulation. I verify under penalty of perjury that the foregoing is true and correct.

Warning: A willfully and knowingly false statement is a criminal offense under 18 U.S.C. 1001.

6.2 Authorized Signature of NDA Applicant/Holder or Patent Owner (Attorney, Agent, Representative or other Authorized Official) (Provide Information below)

Date Signed

5/31/07

NOTE: Only an NDA applicant/holder may submit this declaration directly to the FDA. A patent owner who is not the NDA applicant/holder is authorized to sign the declaration but may not submit it directly to FDA. 21 CFR 314.53(c)(4) and (d)(4).

Check applicable box and provide information below.

NDA Applicant/Holder

NDA Applicant's/Holder's Attorney, Agent (Representative) or other Authorized Official

Patent Owner

Patent Owner's Attorney, Agent (Representative) or Other Authorized Official

Name

Alan J. Meyers

Address

L'Oréal USA Products, Inc.
111 Terminal Avenue

City/State

Clark, NJ

ZIP Code

07066

Telephone Number

732-680-5708

FAX Number (if available)

732-396-7051

E-Mail Address (if available)

ameyers@rd.us.loreal.com

The public reporting burden for this collection of information has been estimated to average 9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Food and Drug Administration
CDER (HFD-007)
5600 Fishers Lane
Rockville, MD 20857

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

INFORMATION AND INSTRUCTIONS FOR FORM 3542a
PATENT INFORMATION SUBMITTED WITH THE FILING
OF AN NDA, AMENDMENT OR SUPPLEMENT

General Information

- To submit patent information to the agency the appropriate patent declaration form must be used. Two forms are available for patent submissions. The approval status of your New Drug Application will determine which form you should use.
- Form 3542a should be used when submitting patent information with original NDA submissions, NDA amendments and NDA supplements prior to approval.
- Form 3542 should be used after NDA or supplemental approval. This form is to be submitted within 30 days after approval of an application. This form should also be used to submit patent information relating to an approved supplement under 21 CFR 314.53(d) to change the formulation, add a new indication or other condition of use, change the strength, or to make any other patented change regarding the drug, drug product, or any method of use.
- Form 3542 is also to be used for patents issued after drug approval. Patents issued after drug approval are required to be submitted within 30 days of patent issuance for the patent to be considered "timely filed."
- Only information from form 3542 will be used for Orange Book Publication purposes.
- Forms should be submitted as described in 21 CFR 314.53. An additional copy of form 3542 to the Orange Book Staff will expedite patent publication in the Orange Book. The Orange Book Staff address (as of July 2003) is: Orange Book Staff, Office of Generic Drugs OGD/HFD-610, 7500 Standish Place, Rockville, MD 20855.
- The receipt date is the date that the patent information is date stamped in the central document room. Patents are considered listed on the date received.
- Additional copies of these forms may be downloaded from the Internet at: <http://forms.psc.gov/forms/fdahtm/fdahtm.html>.

First Section

Complete all items in this section.

1. General Section

Complete all items in this section with reference to the patent itself.

- 1c) Include patent expiration date, including any Hatch-Waxman patent extension already granted. Do not include any applicable pediatric exclusivity. The agency will include pediatric exclusivities where applicable upon publication.
- 1d) Include full address of patent owner. If patent owner resides outside the U.S. indicate the country in the zip code block.

- 1e) Answer this question if applicable. If patent owner and NDA applicant/holder reside in the United States, leave space blank.

2. Drug Substance (Active Ingredient)

Complete all items in this section if the patent claims the drug substance that is the subject of the pending NDA, amendment, or supplement.

- 2.4) Name the polymorphic form of the drug identified by the patent.
- 2.5) A patent for a metabolite of the approved active ingredient may not be submitted. If the patent claims an approved method of using the approved drug product to administer the metabolite, the patent may be submitted as a method of use patent depending on the responses to section 4 of this form.
- 2.7) Answer this question only if the patent is a product-by-process patent.

3. Drug Product (Composition/Formulation)

Complete all items in this section if the patent claims the drug product that is the subject of the pending NDA, amendment, or supplement.

- 3.3) An answer to this question is required only if the referenced patent is a product-by-process patent.

4. Method of Use

Complete all items in this section if the patent claims a method of use of the drug product that is the subject of the pending NDA, amendment, or supplement.

- 4.2) Identify by number each claim in the patent that claims the use(s) of the drug for which approval is being sought. Indicate whether or not each individual claim is a claim for a method(s) of use of the drug for which approval is being sought.
- 4.2a) Specify the part of the proposed drug labeling that is claimed by the patent.

5. No Relevant Patents

Complete this section only if applicable.

6. Declaration Certification

Complete all items in this section.

- 6.2) Authorized signature. Check one of the four boxes that best describes the authorized signature.

Department of Health and Human Services
Food and Drug Administration

Form Approved: OMB No. 0910-0513
Expiration Date: 07/31/06
See OMB Statement on Page 3.

**PATENT INFORMATION SUBMITTED WITH THE
FILING OF AN NDA, AMENDMENT, OR SUPPLEMENT**
*For Each Patent That Claims a Drug Substance
(Active Ingredient), Drug Product (Formulation and
Composition) and/or Method of Use*

NDA NUMBER

22-009

NAME OF APPLICANT / NDA HOLDER

L'Oréal USA Products, Inc

The following is provided in accordance with Section 505(b) and (c) of the Federal Food, Drug, and Cosmetic Act.

TRADE NAME (OR PROPOSED TRADE NAME)

VARIOUS CAPITAL SOLEIL Sunscreen; UV EXPERT Sunscreen; ANTHELIOS Sunscreen

ACTIVE INGREDIENT(S)

ecamsule
titanium dioxide
avobenzone
octocrylene

STRENGTH(S)

3%
5%
2%
10%

DOSAGE FORM

Topical cream

This patent declaration form is required to be submitted to the Food and Drug Administration (FDA) with an NDA application, amendment, or supplement as required by 21 CFR 314.53 at the address provided in 21 CFR 314.53(d)(4). Within thirty (30) days after approval of an NDA or supplement, or within thirty (30) days of issuance of a new patent, a new patent declaration must be submitted pursuant to 21 CFR 314.53(c)(2)(ii) with all of the required information based on the approved NDA or supplement. The information submitted in the declaration form submitted upon or after approval will be the only information relied upon by FDA for listing a patent in the Orange Book.

For hand-written or typewriter versions (only) of this report: If additional space is required for any narrative answer (i.e., one that does not require a "Yes" or "No" response), please attach an additional page referencing the question number.

FDA will not list patent information if you file an incomplete patent declaration or the patent declaration indicates the patent is not eligible for listing.

For each patent submitted for the pending NDA, amendment, or supplement referenced above, you must submit all the information described below. If you are not submitting any patents for this pending NDA, amendment, or supplement, complete above section and sections 5 and 6.

1. GENERAL

a. United States Patent Number

4,585,597

b. Issue Date of Patent

4/29/1986

c. Expiration Date of Patent

6/10/2007*

d. Name of Patent Owner

L'Oréal S.A.

Address (of Patent Owner)

River Plaza - 29, Quai Aulagnier

City/State

Asnieres

ZIP Code

92600

FAX Number (if available)

Telephone Number

331-47-56-88-031

E-Mail Address (if available)

lmsizputen@rd.loreal.com

e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)

Norman H. Stepno, Esquire
Burns, Doane, Swecker & Mathias LLP

Address (of agent or representative named in 1.e.)

P.O. Box 1404
1737 King St. - Suite 500

City/State

Alexandria, VA

ZIP Code

22314-2727

FAX Number (if available)

Telephone Number

703-836-6620

E-Mail Address (if available)

f. Is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above?

Yes

No

Pat# 4,587,597

g. If the patent referenced above has been submitted previously for listing, is the expiration date a new expiration date?

Yes

No

* Refers to Section 1.c.

Pursuant to 35 U.S.C. § 156(e)(2). An application for extension of patent term under 35 U.S.C. § 156(d)(1) is currently pending before the U.S. Patent and Trademark Office.

Patent # 4,587,517

For the patent referenced above, provide the following information on the drug substance, drug product and/or method of use that is the subject of the pending NDA, amendment, or supplement.

2. Drug Substance (Active Ingredient)

2.1 Does the patent claim the drug substance that is the active ingredient in the drug product described in the pending NDA, amendment, or supplement? Yes No

2.2 Does the patent claim a drug substance that is a different polymorph of the active ingredient described in the pending NDA, amendment, or supplement? Yes No

2.3 If the answer to question 2.2 is "Yes," do you certify that, as of the date of this declaration, you have test data demonstrating that a drug product containing the polymorph will perform the same as the drug product described in the NDA? The type of test data required is described at 21 CFR 314.53(b). Yes No

2.4 Specify the polymorphic form(s) claimed by the patent for which you have the test results described in 2.3.
N/A

2.5 Does the patent claim only a metabolite of the active ingredient pending in the NDA or supplement? (Complete the information in section 4 below if the patent claims a pending method of using the pending drug product to administer the metabolite.) Yes No

2.6 Does the patent claim only an intermediate? Yes No

2.7 If the patent referenced in 2.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

3. Drug Product (Composition/Formulation)

3.1 Does the patent claim the drug product, as defined in 21 CFR 314.3, in the pending NDA, amendment, or supplement? Yes No

3.2 Does the patent claim only an intermediate? Yes No

3.3 If the patent referenced in 3.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.) Yes No

4. Method of Use

Sponsors must submit the information in section 4 separately for each patent claim claiming a method of using the pending drug product for which approval is being sought. For each method of use claim referenced, provide the following information:

4.1 Does the patent claim one or more methods of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No

4.2 Patent Claim Number (as listed in the patent) 13 Does the patent claim referenced in 4.2 claim a pending method of use for which approval is being sought in the pending NDA, amendment, or supplement? Yes No

4.2a If the answer to 4.2 is "Yes," identify with specificity the use with reference to the proposed labeling for the drug product. Use: (Submit indication or method of use information as identified specifically in the approved labeling.)
Sunscreen
"For protecting human epidermis against UV-A and/or UV-B rays"

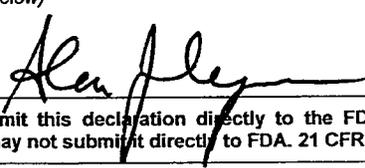
5. No Relevant Patents

For this pending NDA, amendment, or supplement, there are no relevant patents that claim the drug substance (active ingredient), drug product (formulation or composition) or method(s) of use, for which the applicant is seeking approval and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product. Yes

Patent # 4,587,577

6. Declaration Certification

6.1 The undersigned declares that this is an accurate and complete submission of patent information for the NDA, amendment, or supplement pending under section 505 of the Federal Food, Drug, and Cosmetic Act. This time-sensitive patent information is submitted pursuant to 21 CFR 314.53. I attest that I am familiar with 21 CFR 314.53 and this submission complies with the requirements of the regulation. I verify under penalty of perjury that the foregoing is true and correct.
Warning: A willfully and knowingly false statement is a criminal offense under 18 U.S.C. 1001.

6.2 Authorized Signature of NDA Applicant/Holder or Patent Owner (Attorney, Agent, Representative or other Authorized Official) (Provide Information below) | Date Signed
 | 5/31/07

NOTE: Only an NDA applicant/holder may submit this declaration directly to the FDA. A patent owner who is not the NDA applicant/holder is authorized to sign the declaration but may not submit it directly to FDA. 21 CFR 314.53(c)(4) and (d)(4).

Check applicable box and provide information below.

<input checked="" type="checkbox"/> NDA Applicant/Holder	<input type="checkbox"/> NDA Applicant's/Holder's Attorney, Agent (Representative) or other Authorized Official
<input type="checkbox"/> Patent Owner	<input type="checkbox"/> Patent Owner's Attorney, Agent (Representative) or Other Authorized Official
Name Alan J. Meyers	
Address 'L'Oréal USA Products, Inc. 111 Terminal Avenue	City/State Clark, NJ
ZIP Code 07066	Telephone Number 732-680-5708
FAX Number (if available) 732-396-7051	E-Mail Address (if available) ameyers@rd.us.loreal.com

The public reporting burden for this collection of information has been estimated to average 9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Food and Drug Administration
CDER (HFD-007)
5600 Fishers Lane
Rockville, MD 20857

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

INFORMATION AND INSTRUCTIONS FOR FORM 3542a
PATENT INFORMATION SUBMITTED WITH THE FILING
OF AN NDA, AMENDMENT OR SUPPLEMENT

General Information

- To submit patent information to the agency the appropriate patent declaration form must be used. Two forms are available for patent submissions. The approval status of your New Drug Application will determine which form you should use.
- Form 3542a should be used when submitting patent information with original NDA submissions, NDA amendments and NDA supplements prior to approval.
- Form 3542 should be used after NDA or supplemental approval. This form is to be submitted within 30 days after approval of an application. This form should also be used to submit patent information relating to an approved supplement under 21 CFR 314.53(d) to change the formulation, add a new indication or other condition of use, change the strength, or to make any other patented change regarding the drug, drug product, or any method of use.
- Form 3542 is also to be used for patents issued after drug approval. Patents issued after drug approval are required to be submitted within 30 days of patent issuance for the patent to be considered "timely filed."
- Only information from form 3542 will be used for Orange Book Publication purposes.
- Forms should be submitted as described in 21 CFR 314.53. An additional copy of form 3542 to the Orange Book Staff will expedite patent publication in the Orange Book. The Orange Book Staff address (as of July 2003) is: Orange Book Staff, Office of Generic Drugs OGD/HFD-610, 7500 Standish Place, Rockville, MD 20855.
- The receipt date is the date that the patent information is date stamped in the central document room. Patents are considered listed on the date received.
- Additional copies of these forms may be downloaded from the Internet at: <http://forms.psc.gov/forms/fdahtm/fdahtm.html>.

First Section

Complete all items in this section.

1. General Section

Complete all items in this section with reference to the patent itself.

- 1c) Include patent expiration date, including any Hatch-Waxman patent extension already granted. Do not include any applicable pediatric exclusivity. The agency will include pediatric exclusivities where applicable upon publication.
- 1d) Include full address of patent owner. If patent owner resides outside the U.S. indicate the country in the zip code block.

- 1e) Answer this question if applicable. If patent owner and NDA applicant/holder reside in the United States, leave space blank.

2. Drug Substance (Active Ingredient)

Complete all items in this section if the patent claims the drug substance that is the subject of the pending NDA, amendment, or supplement.

- 2.4) Name the polymorphic form of the drug identified by the patent.
- 2.5) A patent for a metabolite of the approved active ingredient may not be submitted. If the patent claims an approved method of using the approved drug product to administer the metabolite, the patent may be submitted as a method of use patent depending on the responses to section 4 of this form.
- 2.7) Answer this question only if the patent is a product-by-process patent.

3. Drug Product (Composition/Formulation)

Complete all items in this section if the patent claims the drug product that is the subject of the pending NDA, amendment, or supplement.

- 3.3) An answer to this question is required only if the referenced patent is a product-by-process patent.

4. Method of Use

Complete all items in this section if the patent claims a method of use of the drug product that is the subject of the pending NDA, amendment, or supplement.

- 4.2) Identify by number each claim in the patent that claims the use(s) of the drug for which approval is being sought. Indicate whether or not each individual claim is a claim for a method(s) of use of the drug for which approval is being sought.
- 4.2a) Specify the part of the proposed drug labeling that is claimed by the patent.

5. No Relevant Patents

Complete this section only if applicable.

6. Declaration Certification

Complete all items in this section.

- 6.2) Authorized signature. Check one of the four boxes that best describes the authorized signature.

**ITEM 13: SUBMISSION OF PATENT INFORMATION ON ANY
PATENT WHICH CLAIMS THE DRUG (21 U.S.C. § 355 (b) or (c))**

The following information is submitted pursuant to 21 C.F.R. § 314.50(h) and § 314.53(c):

See Attached Forms FDA 3452a for patent 4,585,597 and patent 5,587, 150.

The following information is submitted pursuant to 21 C.F.R. § 314.50(j):

I. Claimed Exclusivity (21 C.F.R. § 314.50 (j)):

(1) Applicant L'Oréal USA Products Inc. claims three (3) years of marketing exclusivity for the combination drug product, Helioblock[®] SX Cream SPF 40, which is the subject of this New Drug Application (22-009), filed under section 505(b) of the FDCA. Applicant, L'Oréal USA Products Inc. claims 3 years of marketing exclusivity because NDA 22-009 contains reports of new clinical investigations (other than bioavailability studies) essential to the approval of this NDA that were conducted or sponsored by the applicant L'Oréal USA Products Inc.

(2) Applicant refers to 21 C.F.R. § 314.108(b)(4) in support of this claim.

Date: 5/31/07

Signed: 

ALAN J. MEYERS
Senior Vice President
Research & Development
L'Oréal USA Products, Inc.
111 L'Oréal Way
Clark, NJ 07066

EXCLUSIVITY SUMMARY

NDA # 22-009

SUPPL #

HFD # 560

Trade Name UV Expert 40, Capital Soleil 40, Anthelios 40

Generic Name ecamsule/avobenzone/octocrylene/titanium dioxide

Applicant Name L'Oreal

Approval Date, If Known March 31, 2008

PART I IS AN EXCLUSIVITY DETERMINATION NEEDED?

1. An exclusivity determination will be made for all original applications, and all efficacy supplements. Complete PARTS II and III of this Exclusivity Summary only if you answer "yes" to one or more of the following questions about the submission.

a) Is it a 505(b)(1), 505(b)(2) or efficacy supplement?

YES NO

If yes, what type? Specify 505(b)(1), 505(b)(2), SE1, SE2, SE3, SE4, SE5, SE6, SE7, SE8

505(b)(2)

c) Did it require the review of clinical data other than to support a safety claim or change in labeling related to safety? (If it required review only of bioavailability or bioequivalence data, answer "no.")

YES NO

If your answer is "no" because you believe the study is a bioavailability study and, therefore, not eligible for exclusivity, EXPLAIN why it is a bioavailability study, including your reasons for disagreeing with any arguments made by the applicant that the study was not simply a bioavailability study.

If it is a supplement requiring the review of clinical data but it is not an effectiveness supplement, describe the change or claim that is supported by the clinical data:

d) Did the applicant request exclusivity?

YES NO

If the answer to (d) is "yes," how many years of exclusivity did the applicant request?

3 years

e) Has pediatric exclusivity been granted for this Active Moiety?

YES NO

If the answer to the above question in YES, is this approval a result of the studies submitted in response to the Pediatric Written Request?

IF YOU HAVE ANSWERED "NO" TO ALL OF THE ABOVE QUESTIONS, GO DIRECTLY TO THE SIGNATURE BLOCKS AT THE END OF THIS DOCUMENT.

2. Is this drug product or indication a DESI upgrade?

YES NO

IF THE ANSWER TO QUESTION 2 IS "YES," GO DIRECTLY TO THE SIGNATURE BLOCKS ON PAGE 8 (even if a study was required for the upgrade).

PART II FIVE-YEAR EXCLUSIVITY FOR NEW CHEMICAL ENTITIES

(Answer either #1 or #2 as appropriate)

1. Single active ingredient product.

Has FDA previously approved under section 505 of the Act any drug product containing the same active moiety as the drug under consideration? Answer "yes" if the active moiety (including other esterified forms, salts, complexes, chelates or clathrates) has been previously approved, but this particular form of the active moiety, e.g., this particular ester or salt (including salts with hydrogen or coordination bonding) or other non-covalent derivative (such as a complex, chelate, or clathrate) has not been approved. Answer "no" if the compound requires metabolic conversion (other than deesterification of an esterified form of the drug) to produce an already approved active moiety.

YES NO

If "yes," identify the approved drug product(s) containing the active moiety, and, if known, the NDA #(s).

NDA#

NDA#

NDA#

2. Combination product.

If the product contains more than one active moiety (as defined in Part II, #1), has FDA previously approved an application under section 505 containing any one of the active moieties in the drug product? If, for example, the combination contains one never-before-approved active moiety and one previously approved active moiety, answer "yes." (An active moiety that is marketed under an OTC monograph, but that was never approved under an NDA, is considered not previously approved.)

YES NO

If "yes," identify the approved drug product(s) containing the active moiety, and, if known, the NDA #(s).

NDA# 21-471	Anthelios 20 (ecamsule, avobenzone, octocrylene, titanium dioxide)
NDA# 21-502	Anthelios SX (ecamsule, avobenzone, octocrylene)
NDA# 21-501	Capital Soleil 15 (ecamsule, avobenzone, octocrylene)

IF THE ANSWER TO QUESTION 1 OR 2 UNDER PART II IS "NO," GO DIRECTLY TO THE SIGNATURE BLOCKS ON PAGE 8. (Caution: The questions in part II of the summary should only be answered "NO" for original approvals of new molecular entities.)
IF "YES," GO TO PART III.

PART III THREE-YEAR EXCLUSIVITY FOR NDAs AND SUPPLEMENTS

To qualify for three years of exclusivity, an application or supplement must contain "reports of new clinical investigations (other than bioavailability studies) essential to the approval of the application and conducted or sponsored by the applicant." This section should be completed only if the answer to PART II, Question 1 or 2 was "yes."

1. Does the application contain reports of clinical investigations? (The Agency interprets "clinical investigations" to mean investigations conducted on humans other than bioavailability studies.) If the application contains clinical investigations only by virtue of a right of reference to clinical investigations in another application, answer "yes," then skip to question 3(a). If the answer to 3(a) is "yes" for any investigation referred to in another application, do not complete remainder of summary for that investigation.

YES NO

IF "NO," GO DIRECTLY TO THE SIGNATURE BLOCKS ON PAGE 8.

2. A clinical investigation is "essential to the approval" if the Agency could not have approved the application or supplement without relying on that investigation. Thus, the investigation is not essential to the approval if 1) no clinical investigation is necessary to support the supplement or application in light of previously approved applications (i.e., information other than clinical trials, such as bioavailability data, would be sufficient to provide a basis for approval as an ANDA or 505(b)(2) application because of what is already known about a previously approved product), or 2) there are published reports of studies (other than those conducted or sponsored by the applicant) or other publicly available data that independently would have been sufficient to support approval of the application, without reference to the clinical investigation submitted in the application.

(a) In light of previously approved applications, is a clinical investigation (either conducted by the applicant or available from some other source, including the published literature) necessary to support approval of the application or supplement?

YES NO

If "no," state the basis for your conclusion that a clinical trial is not necessary for approval AND GO DIRECTLY TO SIGNATURE BLOCK ON PAGE 8:

(b) Did the applicant submit a list of published studies relevant to the safety and effectiveness of this drug product and a statement that the publicly available data would not independently support approval of the application?

YES NO

(1) If the answer to 2(b) is "yes," do you personally know of any reason to disagree with the applicant's conclusion? If not applicable, answer NO.

YES NO

If yes, explain:

(2) If the answer to 2(b) is "no," are you aware of published studies not conducted or sponsored by the applicant or other publicly available data that could independently demonstrate the safety and effectiveness of this drug product?

YES NO

If yes, explain:

- (c) If the answers to (b)(1) and (b)(2) were both "no," identify the clinical investigations submitted in the application that are essential to the approval:

1.CG.03.SPR.2612, 1.CG.03.SPR.2613, 1.CG.03.SPR.2612,
1.GUS.05.SPR.18045.R01, and 1.GUS.05.SPR.2639

Studies comparing two products with the same ingredient(s) are considered to be bioavailability studies for the purpose of this section.

3. In addition to being essential, investigations must be "new" to support exclusivity. The agency interprets "new clinical investigation" to mean an investigation that 1) has not been relied on by the agency to demonstrate the effectiveness of a previously approved drug for any indication and 2) does not duplicate the results of another investigation that was relied on by the agency to demonstrate the effectiveness of a previously approved drug product, i.e., does not redemonstrate something the agency considers to have been demonstrated in an already approved application.

a) For each investigation identified as "essential to the approval," has the investigation been relied on by the agency to demonstrate the effectiveness of a previously approved drug product? (If the investigation was relied on only to support the safety of a previously approved drug, answer "no.")

Investigation #1	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Investigation #2	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

If you have answered "yes" for one or more investigations, identify each such investigation and the NDA in which each was relied upon:

b) For each investigation identified as "essential to the approval", does the investigation duplicate the results of another investigation that was relied on by the agency to support the effectiveness of a previously approved drug product?

Investigation #1	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Investigation #2	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

If you have answered "yes" for one or more investigation, identify the NDA in which a similar investigation was relied on:

c) If the answers to 3(a) and 3(b) are no, identify each "new" investigation in the application or supplement that is essential to the approval (i.e., the investigations listed in #2(c), less any that are not "new"):

1.CG.03.SPR.2612, 1.CG.03.SPR.2613, 1.CG.03.SPR.2612,
1.GUS.05.SPR.18045.R01, and 1.GUS.05.SPR.2639

4. To be eligible for exclusivity, a new investigation that is essential to approval must also have been conducted or sponsored by the applicant. An investigation was "conducted or sponsored by" the applicant if, before or during the conduct of the investigation, 1) the applicant was the sponsor of the IND named in the form FDA 1571 filed with the Agency, or 2) the applicant (or its predecessor in interest) provided substantial support for the study. Ordinarily, substantial support will mean providing 50 percent or more of the cost of the study.

a) For each investigation identified in response to question 3(c): if the investigation was carried out under an IND, was the applicant identified on the FDA 1571 as the sponsor?

Investigation #1
IND # 57,850 YES ! NO
! Explain:

Investigation #2
IND # 57,850 YES ! NO
! Explain:

(b) For each investigation not carried out under an IND or for which the applicant was not identified as the sponsor, did the applicant certify that it or the applicant's predecessor in interest provided substantial support for the study?

Investigation #1
YES ! NO

Explain:

! Explain:

Investigation #2

!

!

YES

! NO

Explain:

! Explain:

(c) Notwithstanding an answer of "yes" to (a) or (b), are there other reasons to believe that the applicant should not be credited with having "conducted or sponsored" the study? (Purchased studies may not be used as the basis for exclusivity. However, if all rights to the drug are purchased (not just studies on the drug), the applicant may be considered to have sponsored or conducted the studies sponsored or conducted by its predecessor in interest.)

YES

NO

If yes, explain:

Name of person completing form: Elaine Abraham

Title: RPM

Date: 2/21/08

Name of Office/Division Director signing form: Andrea Leonard-Segal

Title: Director, DNCE

Form OGD-011347; Revised 05/10/2004; formatted 2/15/05

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

/s/

Andrea Segal

3/18/2008 02:42:45 PM

PEDIATRIC PAGE

(Complete for all filed original applications and efficacy supplements)

DA/BLA #: 22-009 Supplement Type (e.g. SE5): _____ Supplement Number: _____

stamp Date: May 31, 2007

PDUFA Goal Date: March 31, 2008

ONP/DNCE _____ Trade and generic names/dosage form: UV EXPERT 40/ANTHELIOS 40/CAPITAL SOLEIL 40
(avobenzone, ecamsule, octocrylene, and titanium dioxide cream)

Applicant: L'Oreal USA Products, Inc. Therapeutic Class: Sunscreen

Does this application provide for new active ingredient(s), new indication(s), new dosage form, new dosing regimen, or new route of administration? *

- Yes. Please proceed to the next question.
 No. PREA does not apply. Skip to signature block.

* SE5, SE6, and SE7 submissions may also trigger PREA. If there are questions, please contact the Rosemary Addy or Grace Carmouze.

Indication(s) previously approved (please complete this section for supplements only): _____

Each indication covered by current application under review must have pediatric studies: *Completed, Deferred, and/or Waived.*

Number of indications for this application(s): 1

Indication #1: Prevention of sunburn

Is this an orphan indication?

- Yes. PREA does not apply. Skip to signature block.
 No. Please proceed to the next question.

Is there a full waiver for this indication (check one)?

- Yes: Please proceed to Section A.
 No: Please check all that apply: Partial Waiver Deferred Completed

NOTE: More than one may apply

Please proceed to Section B, Section C, and/or Section D and complete as necessary.

Section A: Fully Waived Studies

Reason(s) for full waiver:

- Products in this class for this indication have been studied/labeled for pediatric population
 Disease/condition does not exist in children
 Too few children with disease to study
 There are safety concerns
 Other: _____

If studies are fully waived, then pediatric information is complete for this indication. If there is another indication, please see Attachment A. Otherwise, this Pediatric Page is complete and should be entered into DFS.

Section B: Partially Waived Studies

Age/weight range being partially waived (fill in applicable criteria below):

Min _____ kg _____ mo. < 6 months yr. _____ Tanner Stage _____
Max _____ kg _____ mo. _____ yr. _____ Tanner Stage _____

Reason(s) for partial waiver:

- Products in this class for this indication have been studied/labeled for pediatric population
- Disease/condition does not exist in children
- Too few children with disease to study
- There are safety concerns
- Adult studies ready for approval
- Formulation needed
- Other: non-chemical protection should be used in < 6 months; potential for inappropriately high systemic levels of the ingredients and safety concerns in < 6 months

If studies are deferred, proceed to Section C. If studies are completed, proceed to Section D. Otherwise, this Pediatric Page is complete and should be entered into DFS.

Section C: Deferred Studies

Age/weight range being deferred (fill in applicable criteria below):

Min _____ kg _____ mo. _____ yr. _____ Tanner Stage _____
Max _____ kg _____ mo. _____ yr. _____ Tanner Stage _____

Reason(s) for deferral:

- Products in this class for this indication have been studied/labeled for pediatric population
- Disease/condition does not exist in children
- Too few children with disease to study
- There are safety concerns
- Adult studies ready for approval
- Formulation needed

Other: _____

Date studies are due (mm/dd/yy): _____

If studies are completed, proceed to Section D. Otherwise, this Pediatric Page is complete and should be entered into DFS.

Section D: Completed Studies

Age/weight range of completed studies (fill in applicable criteria below):

Min _____ kg _____ mo. _____ yr. > 6 months Tanner Stage _____
Max _____ kg _____ mo. _____ yr. _____ Tanner Stage _____

Comments:

If there are additional indications, please proceed to Attachment A. Otherwise, this Pediatric Page is complete and should be entered into DFS.

NDA 22-009

Page 3

This page was completed by:

{See appended electronic signature page}

Regulatory Project Manager

FOR QUESTIONS ON COMPLETING THIS FORM CONTACT THE PEDIATRIC AND MATERNAL HEALTH STAFF at 301-796-0700

(Revised: 10/10/2006)

Attachment A

(This attachment is to be completed for those applications with multiple indications only.)

Indication #2: _____

Is this an orphan indication?

- Yes. PREA does not apply. Skip to signature block.
- No. Please proceed to the next question.

Is there a full waiver for this indication (check one)?

- Yes: Please proceed to Section A.
- No: Please check all that apply: ___Partial Waiver ___Deferred ___Completed
NOTE: More than one may apply
Please proceed to Section B, Section C, and/or Section D and complete as necessary.

Section A: Fully Waived Studies

Reason(s) for full waiver:

- Products in this class for this indication have been studied/labeled for pediatric population
- Disease/condition does not exist in children
- Too few children with disease to study
- There are safety concerns
- Other: _____

If studies are fully waived, then pediatric information is complete for this indication. If there is another indication, please see Attachment A. Otherwise, this Pediatric Page is complete and should be entered into DFS.

Section B: Partially Waived Studies

Age/weight range being partially waived (fill in applicable criteria below)::

Min _____	kg _____	mo. _____	yr. _____	Tanner Stage _____
Max _____	kg _____	mo. _____	yr. _____	Tanner Stage _____

Reason(s) for partial waiver:

- Products in this class for this indication have been studied/labeled for pediatric population
- Disease/condition does not exist in children
- Too few children with disease to study
- There are safety concerns
- Adult studies ready for approval
- Formulation needed
- Other: _____

If studies are deferred, proceed to Section C. If studies are completed, proceed to Section D. Otherwise, this Pediatric Page is

complete and should be entered into DFS.

Section C: Deferred Studies

Age/weight range being deferred (fill in applicable criteria below)::

Min _____ kg _____ mo. _____ yr. _____ Tanner Stage _____
Max _____ kg _____ mo. _____ yr. _____ Tanner Stage _____

Reason(s) for deferral:

- Products in this class for this indication have been studied/labeled for pediatric population
- Disease/condition does not exist in children
- Too few children with disease to study
- There are safety concerns
- Adult studies ready for approval
- Formulation needed
- Other: _____

Date studies are due (mm/dd/yy): _____

If studies are completed, proceed to Section D. Otherwise, this Pediatric Page is complete and should be entered into DFS.

Section D: Completed Studies

Age/weight range of completed studies (fill in applicable criteria below):

Min _____ kg _____ mo. _____ yr. _____ Tanner Stage _____
Max _____ kg _____ mo. _____ yr. _____ Tanner Stage _____

Comments:

If there are additional indications, please copy the fields above and complete pediatric information as directed. If there are no other indications, this Pediatric Page is complete and should be entered into DFS.

This page was completed by:

{See appended electronic signature page}

Regulatory Project Manager

FOR QUESTIONS ON COMPLETING THIS FORM CONTACT THE PEDIATRIC AND MATERNAL HEALTH STAFF at 301-796-0700

(Revised: 10/10/2006)

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

/s/

Elaine Abraham

4/3/2008 01:13:48 PM

Pediatric Research and Equity Act Waivers

Product name and active ingredient/ dosage form: :_ UV EXPERT 40/ANTHELIOS 40/CAPITAL SOLEIL 40 (Helioblock SX) Ecamsule 3%, Avobenzone 2%, Octocrylene 10%, Titanium Dioxide 5% Cream

IND/NDA/BLA #: 22-009 Supplement Type: Supplement Number:

HFD-560 (DNCE)

Sponsor: L'Oreal USA Products Inc.

Indications(s): Prevention of sunburn

(NOTE: If the drug is approved for or Sponsor is seeking approval for more than one indication, address the following for each indication.)

1. Pediatric age group(s) to be waived: 0-6 months
No additional data required: 6 months to 12 years
2. Reason(s) for waiving pediatric assessment requirements (choose all that apply **and provide justification**):

1. 0 to 6 months age category

The product fails to represent a meaningful therapeutic benefit over existing therapies for pediatric patients 0 to 6 months of age **and** is unlikely to be used in a substantial number of this age group for which a waiver is being requested.

The sponsor requested only a partial waiver because the product that is the subject of this submission is very similar in composition and identical in indication for use to three other L'Oreal sunscreen products containing combinations of the same three or four sunscreen active ingredients in varying amounts that were granted PREA Partial Waivers (2/23/2007 and 3/2/2007) for the following reasons:

- In children less than 6 months of age non-chemical protection should be the main modality used to protect young infants from sun exposure, and
- The use of sunscreen products in infants less than 6 months of age may lead to inappropriately high systemic levels of the ingredients and pose safety concerns.

The consult dated 1/14/2008 from the Pediatric and Maternal Health Staff (PMHS) recommended that we deny the request for the partial waiver and recommended conducting pharmacokinetic and actual use studies in children of all ages, including 0 to 6 months (see attachment).

Division Position:

The Division of Nonprescription Clinical Evaluation (DNCE) believes that the product should not be studied in children less than 6 months of age due to ethical reasons, the potential for adverse

events, and no expected benefit in this population that should be kept out of the sun. The Division cannot justify the need to expose children less than 6 months to sun for the purposes of the clinical evaluation of the product. Nor can we justify subjecting these young infants to phlebotomy required by PK studies and to drug exposure. It is also difficult to come up with the circumstances where young infants would not be able to be placed in a shaded area (or covered with appropriate garments, including a hat) instead of requiring the application of sunscreen. According to previous discussions with the Division of Dermatological Drug Products that took place during the review of the 3 previously approved ecamsule-containing sunscreens, skin is not fully developed until the age of 6 months and therefore would allow for higher concentration of the drug. We also believe that parents would enroll children in such a trial purely for financial gain; it is difficult to anticipate another reason.

Clinical practice guidelines published by the American Academy of Pediatrics (AAP)¹ do not recommend using sunscreens in children less than 6 months of age for the following reasons:

1. Since children of this age are not mobile and cannot remove themselves from uncomfortable light and heat, they should be kept out of direct sunlight, in a shade.
2. Many infants have impaired functional sweating. Exposure to the heat of the sun may increase the risk of heatstroke.
3. Sunburn may occur readily because an infant's skin has less melanin than at any other time in life.
4. Concerns are raised that human skin under 6 months may have different absorptive characteristics; biologic system systems that metabolize and excrete drugs may not be fully developed.

AAP further states that, it may be reasonable to apply sunscreen to small areas, such as face and the back of the hands when infant's skin is not protected adequately by clothing. To us it seems it would be as easy for parents to bring along a light blanket, stroller with a hood, umbrella or a hat for the baby rather than to spread sunscreen on these infants.

In addition, during the review cycle of the previous NDAs for similar drug products, the sponsor submitted testimonials by different experts as well as one Institutional Review Board justifying the need for a waiver for 0 to 6 month age group.

We agree with the sponsor.

2. 6 months to 12 years age category

The sponsor did not request a waiver or a deferral for children 6 months to 12 years of age. They maintain that there is sufficient data to support the product labeling down to 6 months of age.

PMHS recommended conducting a pharmacokinetic study in this age category (see attached).

Division Position:

DNCE believes that there sufficient data to label the product down to 6 months of age and no additional studies should be requested. The reasons are as follows:

- Extensive preclinical testing did not reveal any safety concerns.

¹ American Academy of Pediatrics. Ultraviolet Light: A Hazard to Children. *Pediatr* 1999;104(2): 328-333

- Skin of children over 6 months of age is considered to be developed and is similar to that of adults.
- The applicant did not conduct any in vivo study comparing the different formulations, however, they did conduct an in vitro percutaneous absorption study comparing the four sunscreen formulations (Helioblock SX Sunscreen (3 % ecamsule), _____ SPF 20 W/R Cream (2 % ecamsule) _____ SPF 15 Daily Use Cream (2% ecamsule, no titanium dioxide) and _____ SPF 15 W/R Cream (3 % ecamsule, no titanium dioxide)) using human skin. The mean percentage of the applied dose of ecamsule that penetrated the skin (stratum corneum, epidermis, dermis, and receptor fluid) was less than 1 % for all the formulations. The statistical analysis showed that there were no significant differences between the other three formulations when compared to Helioblock SX Cream, suggesting that formulation differences did not affect the absorption of ecamsule.
- We have the following clinical safety data for ecamsule in children:
 - Long-term safety study in children > 12 years of age with polymorphous light eruption using the formulation in this NDA 22-009.
 - Long-term safety study in healthy children 6 months to 12 years of age with a formulation identical that is proposed except that it used the _____ form of titanium dioxide (which aggregates and is not absorbed).
 - Several long-term safety trials in pediatric populations down to 6 months of age with different formulations containing ecamsule
 - A total of 14 long-term European cosmetic use studies in children less than 12 years of age with formulations containing ecamsule up to 6%
 - Extensive marketing history in children down to 6 months of age: since 1993 outside US, and for more than 1 year in USSome children developed nonserious topical irritation that resolved. In fact, none of the safety databases revealed any serious adverse events.

b(4)

b(4)

Based on the available data, DNCE does not see the reason for pharmacokinetic data in this age category. We also question the applicability of the results of PK study if it is conducted. For example, we ask ourselves if a PK study shows a slightly higher concentration of ecamsule, how would such data change our decision on approvability or labeling of this product? We are hard pressed to come up with a good answer to this question considering all of the safety, PK, and pre-clinical data described above.

Attachment I

Adult-Related Conditions that do not occur in pediatrics and qualify for a waiver

These conditions qualify for waiver because studies would be impossible or highly impractical

Age-related macular degeneration
Alzheimer's disease
Amyotrophic lateral sclerosis
Atherosclerotic cardiovascular disease
Benign prostatic hypertrophy
Chronic Obstructive Pulmonary Disease
Erectile Dysfunction
Infertility
Menopausal and perimenopausal disorders
Organic amnesic syndrome
(not caused by alcohol or other psychoactive substances)
Osteoarthritis
Parkinson's disease
Postmenopausal Osteoporosis
Vascular dementia/ Vascular cognitive disorder/impairment

Cancer:
Basal cell
Bladder
Breast
Cervical
Colorectal
Endometrial
Gastric
Hairy cell leukemia
Lung (small & non-small cell)
Multiple myeloma
Oropharynx (squamous cell)
Ovarian (non-germ cell)
Pancreatic
Prostate
Renal cell
Uterine

DEBARMENT CERTIFICATION STATEMENT (ITEM 16)

L'Oréal USA Products, Inc. hereby certifies that it did not and will not use in any capacity the services of any person debarred under Section 306 of the Federal Food, Drug and Cosmetic Act in connection with this New Drug Application.

May 25, 2007
(Date)

Jean Grieve
(Signature)

Jean Grieve
Assistant Vice President
Drug Approval Group
L'Oréal USA Products, Inc.

CERTIFICATION: FINANCIAL INTERESTS AND ARRANGEMENTS OF CLINICAL INVESTIGATORS

TO BE COMPLETED BY APPLICANT

With respect to all covered clinical studies (or specific clinical studies listed below (if appropriate)) submitted in support of this application, I certify to one of the statements below as appropriate. I understand that this certification is made in compliance with 21 CFR part 54 and that for the purposes of this statement, a clinical investigator includes the spouse and each dependent child of the investigator as defined in 21 CFR 54.2(d).

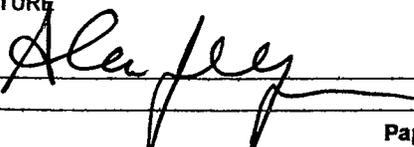
Please mark the applicable checkbox.

- (1) As the sponsor of the submitted studies, I certify that I have not entered into any financial arrangement with the listed clinical investigators (enter names of clinical investigators below or attach list of names to this form) whereby the value of compensation to the investigator could be affected by the outcome of the study as defined in 21 CFR 54.2(a). I also certify that each listed clinical investigator required to disclose to the sponsor whether the investigator had a proprietary interest in this product or a significant equity in the sponsor as defined in 21 CFR 54.2(b) did not disclose any such interests. I further certify that no listed investigator was the recipient of significant payments of other sorts as defined in 21 CFR 54.2(f).

Clinical Investigators		

- (2) As the applicant who is submitting a study or studies sponsored by a firm or party other than the applicant, I certify that based on information obtained from the sponsor or from participating clinical investigators, the listed clinical investigators (attach list of names to this form) did not participate in any financial arrangement with the sponsor of a covered study whereby the value of compensation to the investigator for conducting the study could be affected by the outcome of the study (as defined in 21 CFR 54.2(a)); had no proprietary interest in this product or significant equity interest in the sponsor of the covered study (as defined in 21 CFR 54.2(b)); and was not the recipient of significant payments of other sorts (as defined in 21 CFR 54.2(f)).

- (3) As the applicant who is submitting a study or studies sponsored by a firm or party other than the applicant, I certify that I have acted with due diligence to obtain from the listed clinical investigators (attach list of names) or from the sponsor the information required under 54.4 and it was not possible to do so. The reason why this information could not be obtained is attached.

NAME ALAN J. MEYERS	TITLE Senior Vice President, Research & Development
FIRM / ORGANIZATION L'Oréal USA Products, Inc. U.S. Agent for L'Oréal, S.A.	
SIGNATURE 	DATE 5/31/07

Paperwork Reduction Act Statement

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the necessary data, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information to the address to the right:

Department of Health and Human Services
Food and Drug Administration
5600 Fishers Lane, Room 14C-03
Rockville, MD 20857

**FINANCIAL DISCLOSURES FOR CLINICAL INVESTIGATORS FOR NDA 22-009-
COVERED STUDIES**

Financial disclosures were obtained for investigators from the following studies identified that are directly related to the safety and efficacy assessments or are considered supportive of the safety and efficacy of Helioblock[®] SX Cream SPF 40 (760.001) and its related formulations.

The pivotal Phase 2/3 efficacy studies that directly evaluate Helioblock[®] SX Cream SPF 40 (760.001) are:

- 1.CG.03.SRE.2612, 1.CG.03.SRE.2613, 1.CG.03.SRE.2614,
1.GUS.05.SRE.18045.R01, 1.GUS.05.SRE.2639

The Phase 2 efficacy studies that support compliance with FDA's OTC sunscreen requirement for combination products are:

- PEN.810.05, PEN.810.06, and PEN.910.02

Supportive studies that provide additional evidence of efficacy are:

- RD.06.SRE.2616, RD.06.SRE.18057, PEN.810.01, PEN.810.02, 99001.01.COS ,
PEN.820.01, PEN.820.02, PEN.910.01, PEN.920.01, PEN.810.03, PEN.810.04

The Phase 3 safety studies and supportive studies that provide additional evidence of safety are:

- RD.06.SRE.18047, PEN.750.01, PEN.750.02, PEN.750.03
- IEUT 04026; IEUT 03066; IEUT 03074; IEUT 04052; IEUT 04053 ; IEUT
03058 ; IEUT 04004; IEUT 04005; IK177-IK 177 /4010; I K182/4012;
IK335/4017; K 335/4017; PK031/4014; IK181/4011; EF PK030/ 04013

FINANCIAL DISCLOSURES FOR CLINICAL INVESTIGATORS – COVERED STUDIES

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Marie-José Albin, MD EVIC France – IDEC department – 57 rue Ulysse Gayon 33000 Bordeaux - FRANCE	IK335/Ecut 04017 Partial disclosure.
David Alexander University of Oklahoma – Health Science Center – Dept of Dermatology - 619 NE 13th St. Oklahoma City, OK 73104 USA	RD.06.SRE.18047 – Partial disclosure. Forwarding address unknown.
John Alexander, PA Solano Dermatology Associates –127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.18057
Mary Arnaud Radiant Research – Tucson – 7042 E. Broadway Blvd. Tucson, AZ 85710 USA	PEN.750.02
L. Arnaud-Boissel, MS Institut d'Expertise Clinique (I.E.C.) – 88 Boulevard des Belges 69006 Lyon – France	1.GUS.05.SRE.2639
Louise B. Aust, M.S. Hill Top Research, Inc. - 3225 North 75th Street Scottsdale, AZ 85251 USA	PEN.750.01
Alicia Barba, MD International Dermatology Research Inc. – 8370 West Flager St. – Suite 200 Miami, FL 33144 USA	RD.06.SRE.18047 – Partial disclosure
Joseph Barbagallo, MD St. Lukes Roosevelt Hospital Center – 1090 Amsterdam Ave., Suite 11D New York, NY 10025 USA	PEN.750.02 – Partial disclosure because Investigator unavailable
Christine Bates Dermatology Research Center – 3920 South 1100 East, Suite 310 Salt Lake City, UT 84124 USA	RD.06.SRE.18047
Richard Berger, MD Hill Top Research, Inc. - 388 Ryders Lane – Ryders Crossing Milltown, NJ 08850 USA	PEN.750.01 RD.06.SRE.18047
James N. Bergman, MD Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
Mark A. Berk, MD Deerpath Medical Associates, Inc. 900 Westmoreland Suite 222 Lake Forest, IL OR 71 Waukegan Road Lake Bluff, IL 60044 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Laurie Bernard, MD Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
Karl R. Beutner, MD Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.18057 RD.06.SRE.2616
Olivier Binet, MD Fondation Adolphe de Rothschild – 25-29 rue Manin 75940 Paris cedex 19 FRANCE	RD.06.SRE.2616
Danae Blair St. Luke's Roosevelt Hospital Center – 1090 Amsterdam Ave – Suite 11 D New York, NY 10025 USA	RD.06.SRE.18047 – Partial disclosure. Forwarding address unknown.
George L. Bondar, DO Spokane Dermatology Clinic – Sacred Heart Drs. Building – 105 8 th Ave Spokane, WA 99204 USA	RD.06.SRE.2616
Wanda Boote, MD Hill Top Research, Inc. – 6699 13 th Avenue North St. Petersburg, FL 33710 USA	PEN.750.03
James Boren, PhD Radiant Research – Tucson – 7042 E. Broadway Blvd. Tucson, AZ 85710 USA	PEN.750.02
Nicola Borok, RN Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
Teresa Bourget, B.S. Clinical Research Specialists – 2001 Santa Monica Blvd. Suite 490 W Santa Monica, CA 90404 USA	PEN.750.01
Angel Boza, MD EVIC Hispania – Travesera de Dalt n°38, entTo 4 ^a 08024 Barcelona - SPAIN	EF PK030mod/Ecut 04013 Partial disclosure.
David W. Britt, MD Longmont Clinic, P.C. – 1925 W. Mountain View Ave. Longmont, CO 80501 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047
Alicia D. Bucko, DO Academic Dermatology Associates – 1203 Coal E, Suites B and C Albuquerque, NM 87106 USA	RD.06.SRE.18047

CLINICAL INVESTIGATORS	CLINICAL STUDIES
William Burrows, MD California Skin Research Institute – 15222 Avenue of Science San Diego, CA 92128 USA	PEN.750.03
Jeff Byers, MD Rivergate Dermatology and Skin Center – 210 Bluebird Drive Goodlettsville, TN 37072 USA	RD.06.SRE.18057 RD.06.SRE.18047
Florence Camacho Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.2616
Michael Casser TKL Research Inc. - 4 Forest Avenue Paramus, NJ 07652 USA	RD.06.SRE.18047 – Not available despite applicant attempting to obtain the information
M.E. Castro, MD I.E.C. Argentina – Rivadavia 3317, 1° A Mar Del Plata 7600 Argentina	IEUT 03066; IEUT 03074; IEUT 04052; IEUT 04053 Partial disclosure for all listed studies
Heather Cayward Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 408 Baltimore, MD 21287 USA	RD.06.SRE.18057
Deborah Ceccarelli The Savin Center, PC – 134 Park Street New Haven, CT 06511 USA	RD.06.SRE.18047
An Yu Chen, MD Monroe Clinic – 515 22 nd Avenue Monroe, WI 53566 USA	RD.06.SRE.18057 RD.06.SRE.2616
Michelle L. Cihla, MD Rhinelander Regional Medical Group – 1020 Kabel Avenue Rhinelander, WI 54501 USA	RD.06.SRE.18057 RD.06.SRE.2616
Scott D. Clark, MD Longmont Clinic, P.C. – 1925 W. Mountain View Ave. Longmont, CO 80501 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047
C. Drew Claudel, MD Rivergate Dermatology and Skin Center – 210 Bluebird Drive Goodlettsville, TN 37072 USA	RD.06.SRE.18057 RD.06.SRE.18047
James Clayton, MD Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.2616

CLINICAL INVESTIGATORS	CLINICAL STUDIES
<p>Myra Coffman, R.N. Radiant Research – Tucson – 7042 E. Broadway Blvd. Tucson, AZ 85710 USA</p>	<p>PEN.750.02 – Partial disclosure because Investigator unavailable</p>
<p>Armand Cagnetta, MS Dermatology Associates of Tallahassee – 1707 Riggins Rd. Tallahassee, FL 32317 USA</p>	<p>RD.06.SRE.18047 – Partial disclosure</p>
<p>Julia H. Cohen, MD Product Investigations, Inc. - 151 East 10th Avenue Conshohocken, PA 19428 USA</p>	<p>PEN.750.02</p>
<p>Raymond Cornelison, MD University of Oklahoma – Health Science Center – Dept of Dermatology - 619 NE 13th St. Oklahoma City, OK 73104 USA</p>	<p>RD.06.SRE.18047 – Partial disclosure</p>
<p>Elizabeth Cornell, RN Johns Hopkins Division of Dermatoinmunology – Ross Research Building, Room 771 720 Rutland Avenue Baltimore, MD 21205-2196 USA</p>	<p>RD.06.SRE.18057 RD.06.SRE.2616</p>
<p>Bari Cunninghamman, MD Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA</p>	<p>RD.06.SRE.18047</p>
<p>Maureen Damstra TKL Research Inc. - 4 Forest Avenue Paramus, NJ 07652 USA</p>	<p>PEN.810.01, PEN.810.03, PEN.820.01, PEN.920.01, RD.06.SRE.18047</p>
<p>Daniel D. Darrell, PA Spokane Dermatology Clinic – Sacred Heart Drs. Building – 105 8th Ave Spokane, WA 99204 USA</p>	<p>RD.06.SRE.2616</p>
<p>Hugh J. Davis, PA-C Dermatology Research Center – 3920 South 1100 East, Suite 310 Salt Lake City, UT 84124 USA</p>	<p>RD.06.SRE.18047</p>
<p>Vincent A. DeLeo, MD St. Luke's-Roosevelt Hospital Center at University Hospital of Columbia University Department of Dermatology – 1090 Amsterdam Avenue, Suite 11D New York, NY 10025 USA</p>	<p>RD.06.SRE.18057 PEN.750.02 RD.06.SRE.18047</p>
<p>Patricia Dilworth Oregon Medical Research Center – 9495, SW Locust St; Suite G Portland, OR 97223 USA</p>	<p>RD.06.SRE.2616</p>

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Magdalene Dohil, MD Children's Hospital and Health Center -- 3030 Children's Way -- Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
Lisa M. D'Onofrio, MD The Savin Center, PC -- 134 Park Street New Haven, CT 06511 USA	RD.06.SRE.18047
Nicolas Dorot, MD EVIC France -- IDEC Department -- 57 rue Ulysse Gayon 33000 Bordeaux - FRANCE	IK177--IK 177bis /Ecut 04010--Ecut 04010 bis; IK182/Ecut 04012; IK335/Ecut 04017 Partial disclosure for all listed studies
Jonathan Dosik, MD TKL Research Inc. - 4 Forest Avenue Paramus, NJ 07652 USA	RD.06.SRE.18047
Zoe D. Draelos, MD 2444 North Main St. Highpoint, NC 27262 USA	RD.06.SRE.18047
Silvia Drummond, MD EVIC Brazil -- Av Indianapolis, 1455 Planalto Paulista -- Sao Paulo SP 04063 Brazil	PK031/Ecut 04014 bis Partial disclosure
Jackie Dudley, RN Washington Univ School of Medicine -- Campus Box 8035 -- 4570 Childrens Place St Louis, MO 63110 USA	RD.06.SRE.18057
Frank E. Dunlap, MD Radiant Research -- Tucson -- 7042 E. Broadway Blvd. Tucson, AZ 85710 USA	PEN.750.02
Judith Eckhart, RN Solano Dermatology Associates -- 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.18057
Lynn Eggman, MD Rhinelander Regional Medical Group -- 1020 Kabel Avenue Rhinelander, WI 54501 USA	RD.06.SRE.2616
Lawrence Eichenfield, MD Children's Hospital and Health Center -- 3030 Children's Way -- Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
Arthur Z. Eisen, MD Washington Univ. School of Medicine -- Campus Box 8035 -- 4570 Childrens Place St. Louis, MO 63110 USA	RD.06.SRE.2616

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Richard Eisenberg, MD Consumer Product Testing Co. -- 70 New Dutch Lane Fairfield, NJ 07004 USA	PEN.810.06; PEN.910.02; 99001.01.COS
Harold F. Farber, MD Hill Top Research, Inc. -- Einstein Center One -- 9800 Bustelton Avenue Suite 203 Philadelphia, PA 19115 USA	RD.06.SRE.18057
David P. Fiverson, MD Henry Ford Health System -- Dept. of Dermatology -- RM W1604 -- 2799 West Grand Blvd. Detroit, MI 48202 USA	PEN.750.01
Javier Flores, MD International Dermatology Research Inc. -- 8370 West Flager St. -- Suite 200 Miami, FL 33144 USA	RD.06.SRE.18047
Joseph F. Fowler, Jr., MD Dermatology Specialists, PSC -- 444 South First Street Louisville, KY 40202 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047
Lynn Fowler Dermatology Specialists, PSC -- 444 South First Street Louisville, KY 40202 USA	RD.06.SRE.18057 RD.06.SRE.2616
Joy Frank, RN Consumer Product Testing Co. -- 70 New Dutch Lane Fairfield, NJ 07004 USA	PEN.810.06; PEN.910.02
Sheila F. Freidlander, MD Children's Hospital and Health Center -- 3030 Children's Way -- Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
Ann Funk, RN Children's Hospital and Health Center -- 3030 Children's Way -- Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047
John K. Geisse, MD Solano Dermatology Associates -- 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.18057 RD.06.SRE.2616
John Ghannan, CRC ARATEC Clinical Trials PO Box 7 -- 230 S.W. 3 rd Avenue Ocala, FL 34474 USA	PEN.750.02 Partial disclosure. Site withdrew participation in study RD.06.SRE.18047
Julie Glade, RN Solano Dermatology Associates -- 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.2616

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Robert Glinert, MD Dean Medical Center – 1313 Fish Hatchery Road OR 752 North High Point Rd Madison, WI 53715 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047
Adriana Gonzales, MD St. Luke's Roosevelt Hospital Center at University Hospital of Columbia University Department of Dermatology – 1090 Amsterdam Avenue, Suite 11D New York, NY 10025 USA	RD.06.SRE.18057
John Goodman, MD Hill Top Research Inc. – 900 Osceola Drive West Palm Beach, FL 33409 USA	PEN.750.02
Alan Greenspan, MD TKL Research, Inc. – 4 Forest Ave. Paramus, NJ 07652 USA	PEN.810.01, PEN.810.03, PEN.820.01, PEN.920.01, RD.06.SRE.18047
Cambra Crowden, RN Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.18057
Anita Pastelak Guidos, RN Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.18057 RD.06.SRE.2616
Robert A. Harper, MD California Skin Research Institute – 15222 Avenue of Science San Diego, CA 92128 USA	PEN.750.03
Michael Heffernan, MD Washington Univ School of Medicine – Campus Box 8035 – 4570 Childrens Place St. Louis, MO 63110 USA	RD.06.SRE.18057 RD.06.SRE.2616
Donita Helman, RN Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.18057
Michael Henry, MD Rhineland Regional Medical Group – 1020 Kabel Avenue Rhineland, WI 54501 USA	RD.06.SRE.18057 RD.06.SRE.2616
Jetsenia Hernandez International Dermatology Research Inc. – 8370 West Flager St. – Suite 200 Miami, FL 33144 USA	RD.06.SRE.18047 – Partial disclosure

CLINICAL INVESTIGATORS	CLINICAL STUDIES
<p>James Herndon, MD Stephens & Associates, Inc. - 3310 Keller Springs Road – Suite 130 Carrollton, TX 75006 USA</p>	PEN.750.02
<p>Julia Ho, MD Washington Univ School of Medicine – Campus Box 8035 – 4570 Childrens Place St. Louis, MO 63110 USA</p>	RD.06.SRE.18057
<p>Sarah Holland, RN Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA</p>	RD.06.SRE.18047 – Partial disclosure despite Applicant attempting to obtain information
<p>Benjamin Hsu, MD Spokane Dermatology Clinic – Sacred Heart Drs. Building – 105 8th Ave Spokane, WA 99204 USA</p>	RD.06.SRE.2616
<p>Charles S. Johnson, MD ARATEC Clinical Trials PO Box 7 – 230 S.W. 3rd Avenue Ocala, FL 34474 USA</p>	PEN.750.02 - Partial disclosure. Site withdrew participation in study RD.06.SRE.18047
<p>Carlene Jones, RN Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA</p>	RD.06.SRE.2616
<p>Siobhan Kaple, RN Johns Hopkins Division of Dermatoimmunology – Ross Research Building, Room 771 720 Rutland Avenue Baltimore, MD 21205-2196 USA</p>	RD.06.SRE.18057
<p>J. Scott Kasteler, MD Dermatology Specialists, PSC – 444 South First Street Louisville, KY 40202 USA</p>	RD.06.SRE.18047
<p>Benjamin J. Kelly, MD ARATEC Clinical Trials PO Box 7 – 230 S.W. 3rd Avenue Ocala, FL 34474 USA</p>	PEN.750.02 - Partial disclosure. Site withdrew participation in study RD.06.SRE.18047 – Partial disclosure despite Applicant attempting to obtain information
<p>R. Khashi, MD I.E.C. Argentina Rivadavia 3317, 1° A Mar Del Plata 7600 Argentina</p>	IEUT 03058; IEUT 03066; IEUT 03074 IEUT 04004; IEUT 04005; IEUT 04052 IEUT 04053 Partial disclosure for all listed studies
<p>Sihem Khelifa, MD Madison Skin & Research – 4200 University Avenue – Suite 2030 Madison, WI 53706 USA</p>	RD.06.SRE.18047 – Partial disclosure

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Marilyn Kline, RN Radiant Research – Tucson – 7042 E. Broadway Blvd. Tucson, AZ 85710 USA	PEN.750.02 - Partial disclosure because Investigator unavailable
Jonathan A. Kochuba, D.O. Product Investigations, Inc. – 151 East 10 th Avenue Conshohocken, PA 19428 USA	PEN.750.02
Evelyne Koestenblatt St. Luke's-Roosevelt Hospital Center at University Hospital of Columbia University Department of Dermatology – 1090 Amsterdam Avenue, Suite 11D New York, NY 10025 USA	RD.06.SRE.18047
Neil Korman, MD University Hospitals of Cleveland – Department of Dermatology – 11100 Euclid Avenue Cleveland, OH 44106-5028 USA	RD.06.SRE.18057
Myron Kulwin, MD Hill Top Research, Inc. – 900 Osceola Drive West Palm Beach, FL 33409 USA	PEN.750.02 - Partial disclosure because Investigator unavailable
David A. Lam, MD ARATEC Clinical Trials PO Box 7 – 230 S.W. 3 rd Avenue Ocala, FL 34474 USA	PEN.750.02 - Partial disclosure. Site withdrew participation in study RD.06.SRE.18047
Susan Laman, MD Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.2616
Gary Lask, MD Clinical Research Specialists – 2001 Santa Monica Blvd. Suite 490 W Santa Monica, CA 90404 USA	PEN.750.01
Jonathan Leiser, MD Hill Top Research, Inc. – Einstein Center One – 9800 Bustelton Avenue Suite 203 Philadelphia, PA 19115 USA	RD.06.SRE.18057
Michael Levi, MD Deerpath Medical Associates, Inc. – 71 Waukegan Road Lake Bluff, IL 60044 USA	RD.06.SRE.18057 RD.06.SRE.2616
Sharon Liberatore Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.2616
Joanne Liebman Hill Top Research, Inc. – 900 Osceola Drive West Palm Beach, FL 33409 USA	PEN.750.02 – Partial disclosure

CLINICAL INVESTIGATORS	CLINICAL STUDIES
<p>Henry Lim, MD Henry Ford Health System – Dept of Dermatology – 2799 West Grand Boulevard (K16) Detroit, MI 48202-2608 USA</p>	<p>RD.06.SRE.18057 RD.06.SRE.18047</p>
<p>John Lin, MD Deerpath Medical Associates, Inc. – 71 Waukegan Road Lake Bluff, IL 60044 USA</p>	<p>RD.06.SRE.18057</p>
<p>Keith Loven, MD Rivergate Dermatology and Skin Center – 210 Bluebird Drive Goodlettsville, TN 37072 USA</p>	<p>RD.06.SRE.18057 RD.06.SRE.18047</p>
<p>Nicholas Lowe, MD Clinical Research Specialists – 2001 Santa Monica Blvd. Suite 490 W Santa Monica, CA 90404 USA</p>	<p>PEN.750.01</p>
<p>Nancy Lynch The Savin Center, PC – 134 Park Street New Haven, CT 06511 USA</p>	<p>RD.06.SRE.18047</p>
<p>Valerie Lyon, MD Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA</p>	<p>RD.06.SRE.18047</p>
<p>Antoinette Mangione, MD, Pharm. D. Hill Top Research, Inc. – Einstein Center One – 9800 Bustelton Avenue Suite 203 Philadelphia, PA 19115 USA</p>	<p>RD.06.SRE.18057</p>
<p>Cheryl Marcus Stephens & Associates, Inc. – 5050 Edison Avenue, Suite 202 Colorado Springs, CO 80915 USA</p>	<p>PEN.750.02</p>
<p>Alba Nelly Marin International Dermatology Research Inc. – 8370 West Flager St. – Suite 200 Miami, FL 33144 USA</p>	<p>RD.06.SRE.18047 – Partial disclosure Forwarding address unknown</p>
<p>Ciro Martins, MD Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 408 Baltimore, MD 21287 USA</p>	<p>RD.06.SRE.18057</p>
<p>Robert Matheson, MD Oregon Medical Research Center – PC 9495, SW Locust St; Suite G Portland, OR 97223 USA</p>	<p>RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047</p>
<p>K. McKenzie, RN, BSN, CCRC Henry Ford Health System – Dpt of Dermatology – 2799 West Grand Boulevard (K16) Detroit, MI 48202-2608 USA</p>	<p>RD.06.SRE.18057</p>

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Kappa Meadows, MD Education and Research Foundation, Inc. – 2602 Langhorne Road Lynchburg, VA 24501 USA	PEN.750.01
Melissa Mignard-Guillaume, MD Evic France – IDEC Department – 57 rue Ulysse Gayon 33000 Bordeaux - FRANCE	IK177-1K177 bis/Ecut 04010 – Ecut 04010bis; IK181/Ecut 04011; IK182/Ecut 04012; IK335/Ecut 04017 Partial disclosure for all listed studies
Bruce R. Miller, MD Oregon Medical Research Center – PC 9495, SW Locust St; Suite G Portland, OR 97223 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047
Larry Millikan, MD Tulane Medical School - Department of Dermatology – 1440 Canal St – Suite 1504 New Orleans, LA 70112 USA	RD.06.SRE.18047 – Partial disclosure despite applicant attempting to obtain information.
Lori Moe, LPN Madison Skin & Research – 4200 University Avenue – Suite 2030 Madison, WI 53706 USA	RD.06.SRE.18047 – Partial disclosure
Donna Moore Clinical Research Specialists – 2001 Santa Monica Blvd. – Suite 490W Santa Monica, CA 90404 USA	PEN.750.01
G. Moreno, MD I.E.C. Espagne – C/CASPE, 104° Bajos 08013	IEUT 04026 Partial disclosure
Warwick L. Morison, MD Johns Hopkins at Green Spring – 10753 Falls Road, Suite 355 Lutherville, MD 21093 USA	RD.06.SRE.2616
Mark Naylor University of Oklahoma – Health Science Center – Dept of Dermatology - 619 NE 13th St. Oklahoma City, OK 73104 USA	RD.06.SRE.18047 – Partial disclosure
David D. Nisley, P.A., J.D. Products Investigations, Inc. – 142 North 9 th Street Modesto, CA 95350 USA	PEN.750.01
Hussein C. Noutsari MD Johns Hopkins Division of Dermatoimmunology – Ross Research Building, Room 771 720 Rutland Avenue Baltimore, MD 21205-2196 USA	RD.06.SRE.18057

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Alessandra Pagnoni, MD Hill Top Research, Inc. - 388 Ryders Lane - Ryders Crossing Milltown, NJ 08850 USA	PEN.750.01
Amy Pappert, MD Hill Top Research, Inc. - 388 Ryders Lane -Ryders Crossing Milltown, NJ 08850 USA	PEN.750.01 RD.06.SRE.18047
Lawrence Parish, MD 1819 John F. Kennedy Blvd. - Suite 465 Philadelphia, PA 19103 USA	RD.06.SRE.18057 RD.06.SRE.18047
A. Parneix-Spake, MD ASTER Cosmology - 12-14, rue Desnouettes 75015 Paris - France	1.CG.03.SRE.2614
Anita Pastelak Guidos, RN Johns Hopkins Hospital University - School of Medicine - Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.18057 RD.06.SRE.2616
Fabio Pereira International Dermatology Research Inc. - 8370 West Flager St. - Suite 200 Miami, FL 33144 USA	RD.06.SRE.18047
Katherine Perez Solano Dermatology Associates - 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.2616
Lyle M. Pfeiffer, MD Longmont Clinic, P.C. - 1925 W. Mountain View Ave. Longmont, CO 80501 USA	RD.06.SRE.18057 RD.06.SRE.2616 RD.06.SRE.18047
Jean-Jacques PIC, MD EVIC FRANCE - IDEC department - 57 rue Ulysse Gayon 33000 Bordeaux - FRANCE	IK177- IK177 bis/Ecut 04010 -Ecut 04010 bis; IK181/Ecut 04011; IK182/Ecut 04012 Partial disclosure for all listed studies
Pamela Powell Johns Hopkins Hospital University - School of Medicine - Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.18057
Angela Price The Savin Center, PC - 134 Park Street New Haven, CT 06511 USA	RD.06.SRE.18047 - Partial disclosure - Forwarding address unknown
J. Potrebka Hill Top Research, Inc. - 236 Osborne Street, Suite A Winnipeg, Manitoba R3 L2W2 - Canada	1.GUS.05.SRE.18045.R01

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Tricia Quelette Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.2616
Edgar Quintero Maldonado, MD Garcia de la Noceda #38 Rio Piedras, PR 00745 USA	RD.06.SRE.18057
Joan Richitelli The Savin Center, PC – 134 Park Street New Haven, CT 06511 USA	RD.06.SRE.18047
Mark W. Riederman, MD Deerpath Medical Associates, Inc. – 71 Waukegan Road Lake Bluff, IL 60044 USA	RD.06.SRE.18057
Laura Riley Dermatology Research Center – 3920 South 1100 East, Suite 310 Salt Lake City, UT 84124 USA	RD.06.SRE.18047
Ronald L. Rizer, PhD Stephens & Associates, Inc. – 5050 Edison Avenue, Suite 202 Colorado Springs, CO 80915 USA	PEN.750.02
Dalia Rizk Clinical Research Specialists – 2001 Santa Monica Blvd. Suite 490 W Santa Monica, CA 90404 USA	PEN.750.01
David Rodriguez, MD International Dermatology Research Inc. – 8370 West Flager St. – Suite 200 Miami, FL 33144 USA	RD.06.SRE.18047
Karen Rogers, PhD California Skin Research Institute – 15222 Avenue of Science San Diego, CA 92128 USA	PEN.750.03 Partial disclosure because Investigator unavailable
Kathy Rolston, RN, CCRC Rivergate Dermatology and Skin Center – 210 Bluebird Drive Goodlettsville, TN 37072 USA	RD.06.SRE.18047 RD.06.SRE.18057
Hirak B. Routh, MBBS 1819 John F. Kennedy Blvd. – Suite 465 Philadelphia, PA 19103 USA	RD.06.SRE.18057
Helene Rosenzweig, MD Clinical Research Specialists – 2001 Santa Monica Blvd. Suite 490 W Santa Monica, CA 90404 USA	PEN.750.01 Partial disclosure because Investigator unavailable

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Howard A. Rubin, MD Stephens & Associates, Inc. – 3310 Keller Springs Road Suite 130 Carrollton, TX 75006 USA	PEN.750.02
Glenn Russo Tulane Medical School - Department of Dermatology – 1440 Canal St – Suite 1504 New Orleans, LA 70112 USA	RD.06.SRE.18047 – Partial disclosure despite applicant attempting to obtain information.
Harold Saferstein, MD Hill Top Research, Inc. – 3225 North 75 th Street Scottsdale, AZ 85251 USA	PEN.750.01
Ronald C. Savin, MD The Savin Center, PC – 134 Park Street New Haven, CT 06511 USA	RD.06.SRE.18047
Lubomira Scherschun, MD Henry Ford Health System – Dept. of Dermatology – 2799 West Grand Blvd. Detroit, MI 48202 USA	PEN.750.01 RD.06.SRE.18047 RD.06.SRE.18057
Ginny A. Schultz, LPN Dean Medical Center – 752 North High Point Road Madison, WI 53715 USA	RD.06.SRE.18047 – Partial disclosure
Lourdes Serrano International Dermatology Research Inc. – 8370 West Flager St. – Suite 200 Miami, FL 33144 USA	RD.06.SRE.18047
Robert Shanahan, PhD Consumer Product Testing Co. Inc. – 70 New Dutch Lane Fairfield, NJ 07004 USA	PEN.810.06, PEN.910.02, PEN.810.05, 99001.01.COS, PEN.810.02, PEN.810.04, PEN.820.02, PEN.910.01, 1.CG.03.SRE.2612, 1.CG.03.SRE.2613
Kathryn M. Shannon, BS Hill Top Research, Inc. – 3225 North 75 th Street Scottsdale, AZ 85251 USA	PEN.750.01
Harry H. Sharata, MD Madison Skin & Research – 4200 University Avenue – Suite 2030 Madison, WI 53706 USA	RD.06.SRE.18047
Mary Sharata, R. Ph Madison Skin & Research – 4200 University Avenue – Suite 2030 Madison, WI 53706 USA	RD.06.SRE.18047 – Partial disclosure

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Rajesh Sharma, MD Deerpath Medical Associates, Inc. – 71 Waukegan Road Lake Bluff, IL 60044 USA	RD.06.SRE.18057 RD.06.SRE.2616
Sarolta Szabo, MD University Hospitals of Cleveland – Department of Dermatology – 11100 Euclid Avenue Cleveland, OH 44106-5028 USA	RD.06.SRE.18057
Morris Shelanski, MD Product Investigations Inc. – 151 East 10 th Ave. Conshohocken, PA 19428 USA	PEN.750.02
Monya L. Sigler, PhD Stephens & Associates, Inc. – 3310 Keller Springs Road – Suite 130 Carrollton, TX 75006 USA	PEN.750.02
Robert A. Skidmore, Jr., MD ARATEC Clinical Trials PO Box 7 – 230 S.W. 3 rd Avenue Ocala, FL 34474 USA	PEN.750.02 -Partial disclosure. Site withdrew participation in study RD.06.SRE.18047
A. Soler, MD I.E.C. Argentina – Rivadavia 3317, 1° A Mar Del Plata 7600 Argentina	IEUT 03058; IEUT 03066; IEUT 03074; IEUT 04004; IEUT 04005; IEUT 04052 IEUT 04053 Partial disclosure for all listed studies
Linda Stein, MD Henry Ford Health System – Dept. of Dermatology – RM W1604 – 2799 West Grand Blvd. Detroit, MI 48202 USA	PEN.750.01 RD.06.SRE.18047
Sami-Al-Suwaidan, MD Children's Hospital and Health Center – 3030 Children's Way – Suite 408 San Diego, CA 92123 USA	RD.06.SRE.18047 – Partial disclosure despite Applicant attempting to obtain information
Leonard J. Swinyer, MD Dermatology Research Center – 3920 South 1100 East, Suite 310 Salt Lake City, UT 84124 USA	RD.06.SRE.18047
Michael Swinyer Dermatology Research Center – 3920 South 1100 East, Suite 310 Salt Lake City, UT 84124 USA	RD.06.SRE.18047
Thalia Swinyer Dermatology Research Center – 3920 South 1100 East, Suite 310 Salt Lake City, UT 84124 USA	RD.06.SRE.18047
Mary Tabacchi Washington Univ School of Medicine – Campus Box 8035 – 4570 Childrens Place St. Louis, MO 63110 USA	RD.06.SRE.18057 RD.06.SRE.2616

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Patty Takahashi Clinical Research Specialists – 2001 Santa Monica Blvd. – Suite 490W Santa Monica, CA 90404 USA	PEN.750.01
Francisco Tausk, MD Johns Hopkins Hospital University – School of Medicine – Department of Dermatology 550 North Broadway, Suite 1002 Baltimore, MD 21287 USA	RD.06.SRE.18057
Melinda Thornton, RN, CCRC Henry Ford Health System – Department of Dermatology – 2799 West Grand Boulevard (K16) Detroit, MI 48202-2608 USA	RD.06.SRE.18057
Rita Todd Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.2616
J.W.P. Toole, MD Hill Top Research, Inc. 236 Osborne Street, Suite A Winnipeg, Manitoba R3L 2W2 – Canada	1.GUS.05.SRE.18045.R01
Lori Trejo, RN Solano Dermatology Associates – 127 Hospital Drive, Suite 204 Vallejo, CA 94589 USA	RD.06.SRE.18057 RD.06.SRE.2616
Nathan Trookman, MD Stephens & Associates, Inc. – 5050 Edison Avenue, Suite 202 Colorado Springs, CO 80915 USA	PEN.750.02
Daniel Trozak, MD Product Investigations Inc. – 142 North 9th Street Modesto, CA 95350 USA	PEN.750.01
Eduardo Tschen, MD Academic Dermatology Associates – 1203 Coal SE, Suites B and C Albuquerque, NM 87106 USA	RD.06.SRE.18047
Robert Paul Unkefer, MD ARATEC Clinical Trial – PO Box 7 - 230 S.W. 3 rd Avenue Ocala, FL 34474 USA	PEN.750.02 -Partial disclosure. Site withdrew participation in study RD.06.SRE.18047 – Partial disclosure despite Applicant attempting to obtain information
Marjorie L. Walrath, RN Dean Medical Center – 752 North High Point Rd Madison, WI 53715 USA	RD.06.SRE.18047 – Partial disclosure

CLINICAL INVESTIGATORS	CLINICAL STUDIES
Peggy Washer, LPN Rivergate Dermatology and Skin Center – 210 Bluebird Drive Goodlettsville, TN 37072 USA	RD.06.SRE.18047 RD.06.SRE.18057
Jeffrey Weinberg, MD St. Lukes Roosevelt Hospital Center – 1090 Amsterdam Ave. Suite 11D New York, NY 10025 USA	PEN.750.02 RD.06.SRE.18047 RD.06.SRE.18057
William P. Werschler, MD Spokane Dermatology Clinic – Sacred Heart Drs. Building – 105-8 th Ave Spokane, WA 99204 USA	RD.06.SRE.2616
Keith B. Whitmer, MD ARATEC Clinical Trials PO Box 7 – 230 S.W. 3 rd Avenue Ocala, FL 34474 USA	PEN.750.02 - Partial disclosure. Site withdrew participation in study RD.06.SRE.18047
Elizabeth S. Whitmore, MD Johns Hopkins at Green Spring – 10753 Falls Road, Suite 355 Lutherville, MD 21093 USA	RD.06.SRE.2616
David Wilson, MD Education and Research Foundation, Inc. – 2602 Langhorne Road Lynchburg, VA 24501 USA	PEN.750.01
Harry Winfield, MD Tulane Medical School - Department of Dermatology – 1440 Canal St – Suite 1504 New Orleans, LA 70112 USA	RD.06.SRE.18047 – Partial disclosure despite applicant attempting to obtain information. PEN.810.06, PEN.910.02, PEN.810.05, 99001.01.COS, PEN.810.02, PEN.810.04, PEN.820.02, PEN.910.01, 1.CG.03.SRE.2612, 1.CG.03.SRE.2613
Caryl Wood Consumer Product Testing Co. Inc.– 70 New Dutch Lane Fairfield, NJ 07004 USA	PEN.750.01
Paul Yamauchi, MD Clinical Research Specialists – 2001 Santa Monica Blvd – Suite 490 W Santa Monica, CA 90404 USA	PEN.750.02 - Partial disclosure. Site withdrew participation in study RD.06.SRE.18047
Jennifer C. Zampogna, MD ARATEC Clinical Trials PO Box 7 – 230 S.W. 3 rd Avenue Ocala, FL 34474 USA	

NDA/EFFICACY SUPPLEMENT ACTION PACKAGE CHECKLIST

NDA 22-009	Efficacy Supplement Type SE-	Supplement Number
Drug: 3% ecamsule/2% avobenzone/10% octocrylene/5 % titanium dioxide cream		Applicant: L'Oreal USA Products, Inc.
RPM: Elaine Abraham		HFD-560 (DNCE) Phone # (301) 796-0843
<p>Application Type: <input type="checkbox"/> 505(b)(1) <input checked="" type="checkbox"/> 505(b)(2) (This can be determined by consulting page 1 of the NDA Regulatory Filing Review for this application or Appendix A to this Action Package Checklist.)</p> <p>If this is a 505(b)(2) application, please review and confirm the information previously provided in Appendix B to the NDA Regulatory Filing Review. Please update any information (including patent certification information) that is no longer correct.</p> <p><input checked="" type="checkbox"/> Confirmed and/or corrected</p>		<p>Listed drug(s) referred to in 505(b)(2) application (NDA #(s), Drug name(s)):</p> <p>Avobenzone (sunscreen monograph) Octocrylene (sunscreen monograph) Titanium dioxide (sunscreen monograph)</p>
❖ Application Classifications:		
Review priority		<input checked="" type="checkbox"/> Standard <input type="checkbox"/> Priority
Chem class (NDAs only)		5
Other (e.g., orphan, OTC)		OTC
❖ User Fee Goal Dates		October 9, 2006
❖ Special programs (indicate all that apply)		<input checked="" type="checkbox"/> None <input type="checkbox"/> Subpart H <input type="checkbox"/> 21 CFR 314.510 (accelerated approval) <input type="checkbox"/> 21 CFR 314.520 (restricted distribution) <input type="checkbox"/> Fast Track <input type="checkbox"/> Rolling Review <input type="checkbox"/> CMA Pilot 1 <input type="checkbox"/> CMA Pilot 2
User Fee Information		
User Fee		<input checked="" type="checkbox"/> Paid UF ID number PD3006319, PD3007003
User Fee waiver		<input type="checkbox"/> Small business <input type="checkbox"/> Public health <input type="checkbox"/> Barrier-to-Innovation <input type="checkbox"/> Other (specify)
User Fee exception		<input type="checkbox"/> Orphan designation <input type="checkbox"/> No-fee 505(b)(2) (see NDA Regulatory Filing Review for instructions) <input type="checkbox"/> Other (specify)
❖ Application Integrity Policy (AIP)		

Applicant is on the AIP	<input type="radio"/> Yes <input checked="" type="radio"/> No
This application is on the AIP	<input type="radio"/> Yes <input checked="" type="radio"/> No
Exception for review (Center Director's memo)	
OC clearance for approval	
Debarment certification: verified that qualifying language (e.g., willingly, knowingly) was not used in certification & certifications from foreign applicants are cosigned by US agent.	<input checked="" type="radio"/> Verified
❖ Patent	
Information: Verify that form FDA-3542a was submitted for patents that claim the drug for which approval is sought.	<input checked="" type="radio"/> Verified
Patent certification [505(b)(2) applications]: Verify that a certification was submitted for each patent for the listed drug(s) in the Orange Book and identify the type of certification submitted for each patent.	21 CFR 314.50(i)(1)(i)(A) <input type="radio"/> Verified <i>N/A-No patents in OB</i>
	21 CFR 314.50(i)(1) <input type="radio"/> (ii) <input type="radio"/> (iii)
[505(b)(2) applications] If the application includes a paragraph III certification, it cannot be approved until the date that the patent to which the certification pertains expires (but may be tentatively approved if it is otherwise ready for approval).	
[505(b)(2) applications] For each paragraph IV certification, verify that the applicant notified the NDA holder and patent owner(s) of its certification that the patent(s) is invalid, unenforceable, or will not be infringed (review documentation of notification by applicant and documentation of receipt of notice by patent owner and NDA holder). <i>(If the application does not include any paragraph IV certifications, mark "N/A" and skip to the next box below (Exclusivity)).</i>	<input checked="" type="radio"/> N/A (no paragraph IV certification) <input type="radio"/> Verified
[505(b)(2) applications] For each paragraph IV certification, based on the questions below, determine whether a 30-month stay of approval is in effect due to patent infringement litigation.	
Answer the following questions for each paragraph IV certification:	
Have 45 days passed since the patent owner's receipt of the applicant's notice of certification?	<input type="radio"/> Yes <input type="radio"/> No
(Note: The date that the patent owner received the applicant's notice of certification can be determined by checking the application. The applicant is required to amend its 505(b)(2) application to include documentation of this date (e.g., copy of return receipt or letter from recipient acknowledging its receipt of the notice) (see 21 CFR 314.52(e)).	
<i>If "Yes," skip to question (4) below. If "No," continue with question (2).</i>	
Has the patent owner (or NDA holder, if it is an exclusive patent licensee) submitted a written waiver of its right to file a legal action for patent infringement after receiving the applicant's notice of certification, as provided for by 21 CFR 314.107(f)(3)?	<input type="radio"/> Yes <input type="radio"/> No
<i>If "Yes," there is no stay of approval based on this certification. Analyze the next paragraph IV certification in the application, if any. If there are no other paragraph IV certifications, skip to the next box below (Exclusivity).</i>	
<i>If "No," continue with question (3).</i>	
Has the patent owner, its representative, or the exclusive patent licensee filed a lawsuit for patent infringement against the applicant?	<input type="radio"/> Yes <input type="radio"/> No

(Note: This can be determined by confirming whether the Division has received a written notice from the applicant (or the patent owner or its representative) stating that a legal action was filed within 45 days of receipt of its notice of certification. The applicant is required to notify the Division in writing whenever an action has been filed within this 45-day period (see 21 CFR 314.107(f)(2)).

If "No," the patent owner (or NDA holder, if it is an exclusive patent licensee) has until the expiration of the 45-day period described in question (1) to waive its right to bring a patent infringement action or to bring such an action. After the 45-day period expires, continue with question (4) below.

Did the patent owner (or NDA holder, if it is an exclusive patent licensee) submit a written waiver of its right to file a legal action for patent infringement within the 45-day period described in question (1), as provided for by 21 CFR 314.107(f)(3)?

Yes No

If "Yes," there is no stay of approval based on this certification. Analyze the next paragraph IV certification in the application, if any. If there are no other paragraph IV certifications, skip to the next box below (Exclusivity).

If "No," continue with question (5).

Did the patent owner, its representative, or the exclusive patent licensee bring suit against the applicant for patent infringement within 45 days of the patent owner's receipt of the applicant's notice of certification?

Yes No

(Note: This can be determined by confirming whether the Division has received a written notice from the applicant (or the patent owner or its representative) stating that a legal action was filed within 45 days of receipt of its notice of certification. The applicant is required to notify the Division in writing whenever an action has been filed within this 45-day period (see 21 CFR 314.107(f)(2)). If no written notice appears in the NDA file, confirm with the applicant whether a lawsuit was commenced within the 45-day period).

If "No," there is no stay of approval based on this certification. Analyze the next paragraph IV certification in the application, if any. If there are no other paragraph IV certifications, skip to the next box below (Exclusivity).

If "Yes," a stay of approval may be in effect. To determine if a 30-month stay is in effect, consult with the Director, Division of Regulatory Policy II, Office of Regulatory Policy (HFD-007) and attach a summary of the response.

❖ Exclusivity (approvals only)	
<p>Exclusivity summary Is there remaining 3-year exclusivity that would bar effective approval of a 505(b)(2) application? (Note that, even if exclusivity remains, the application may be tentatively approved if it is otherwise ready for approval.)</p>	No
<p>Is there existing orphan drug exclusivity protection for the "same drug" for the proposed indication(s)? Refer to 21 CFR 316.3(b)(13) for the definition of "same drug" for an orphan drug (i.e., active moiety). This definition is NOT the same as that used for NDA chemical classification.</p>	<input type="checkbox"/> Yes, Application # _____ <input checked="" type="checkbox"/> No
<p>Administrative Reviews (Project Manager, ADRA) (indicate date of each review)</p>	8/27/07, 3/28/08

Actions	
Proposed action	<input checked="" type="checkbox"/> AP <input type="checkbox"/> TA <input type="checkbox"/> AE <input type="checkbox"/> NA
Previous actions (specify type and date for each action taken)	
Status of advertising (approvals only)	<input type="checkbox"/> Materials requested in AP letter <input type="checkbox"/> Reviewed for Subpart H
❖ Public communications	
Press Office notified of action (approval only)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Indicate what types (if any) of information dissemination are anticipated	<input checked="" type="checkbox"/> None <input type="checkbox"/> Press Release <input type="checkbox"/> Talk Paper <input type="checkbox"/> Dear Health Care Professional Letter
❖ Labeling (package insert, patient package insert (if applicable), MedGuide (if applicable))	
Division's proposed labeling (only if generated after latest applicant submission of labeling)	
Most recent applicant-proposed labeling	
Original applicant-proposed labeling	
<ul style="list-style-type: none"> Labeling reviews (including DDMAC, DMETS, DSRCS) and minutes of labeling meetings (<i>indicate dates of reviews and meetings</i>) Other relevant labeling (e.g., most recent 3 in class, class labeling) 	
❖ Labels (immediate container & carton labels)	
<ul style="list-style-type: none"> Division proposed (only if generated after latest applicant submission) 	
Applicant proposed	5/31/07
Reviews	3/17/08
Post-marketing commitments	
Agency request for post-marketing commitments	
Documentation of discussions and/or agreements relating to post-marketing commitments	
Outgoing correspondence (i.e., letters, E-mails, faxes)	7/24/07, 8/2/07
Memoranda and Telecons	3/24/08
Minutes of Meetings	
EOP2 meeting (indicate date)	1/24/01
Pre-NDA meeting (indicate date)	9/18/01
Pre-Approval Safety Conference (indicate date; approvals only)	
Other	
Advisory Committee Meeting	
Date of Meeting	N/A
48-hour alert	
Federal Register Notices, DESI documents, NAS/NRC reports (if applicable)	5/21/99 (64 FR 27666)

Clinical Review	
Summary Reviews (e.g., Office Director, Division Director, Medical Team Leader) <i>(indicate date for each review)</i>	3/28/08
Other Information	
❖ Clinical review(s) <i>(indicate date for each review)</i>	1/4/08, 2/8/08, 3/25/08
❖ Microbiology (efficacy) review(s) <i>(indicate date for each review)</i>	
Safety Update review(s) <i>(indicate date or location if incorporated in another review)</i>	3/25/08
Risk Management Plan review(s) <i>(indicate date/location if incorporated in another rev)</i>	
Pediatric Page (separate page for each indication addressing status of all age groups)	3/31/08
Demographic Worksheet <i>(NME approvals only)</i>	
❖ Statistical review(s) <i>(indicate date for each review)</i>	N/A
❖ Biopharmaceutical review(s) <i>(indicate date for each review)</i>	2/19/08
❖ Controlled Substance Staff review(s) and recommendation for scheduling <i>(indicate date for each review)</i>	
❖ Clinical Inspection Review Summary (DSI)	
Clinical studies	
Bioequivalence studies	
CMC Information	
❖ CMC review(s) <i>(indicate date for each review)</i>	1/29/08
Environmental Assessment	
Categorical Exclusion <i>(indicate review date)</i>	1/29/08
Review & FONSI <i>(indicate date of review)</i>	
Review & Environmental Impact Statement <i>(indicate date of each review)</i>	
❖ Microbiology (validation of sterilization & product sterility) review(s) <i>(indicate date for each review)</i>	
❖ Facilities inspection (provide EER report)	Date completed: <input type="checkbox"/> Acceptable <input type="checkbox"/> Withhold recommendation
Methods validation	<input type="checkbox"/> Completed N/A <input type="checkbox"/> Requested <input type="checkbox"/> Not yet requested
Nonclinical/Pharm/Tox Information	
Pharm/tox review(s), including referenced IND reviews <i>(indicate date for each review)</i>	11/5/07
Nonclinical inspection review summary	
❖ Statistical review(s) of carcinogenicity studies <i>(indicate date for each review)</i>	N/A
❖ CAC/ECAC report	

Appendix A to NDA/Efficacy Supplement Action Package Checklist

An application is likely to be a 505(b)(2) application if:

- it relies on literature to meet any of the approval requirements (unless the applicant has a written right of reference to the underlying data)
- it relies on the Agency's previous approval of another sponsor's drug product (which may be evidenced by reference to publicly available FDA reviews, or labeling of another drug sponsor's drug product) to meet any of the approval requirements (unless the application includes a written right of reference to data in the other sponsor's NDA)
- it relies on what is "generally known" or "scientifically accepted" about a class of products to support the safety or effectiveness of the particular drug for which the applicant is seeking approval. (Note, however, that this does not mean *any* reference to general information or knowledge (e.g., about disease etiology, support for particular endpoints, methods of analysis) causes the application to be a 505(b)(2) application.)
- it seeks approval for a change from a product described in an OTC monograph and relies on the monograph to establish the safety or effectiveness of one or more aspects of the drug product for which approval is sought (see 21 CFR 330.11).

Products that may be likely to be described in a 505(b)(2) application include combination drug products (e.g., heart drug and diuretic (hydrochlorothiazide) combinations), OTC monograph deviations, new dosage forms, new indications, and new salts.

If you have questions about whether an application is a 505(b)(1) or 505(b)(2) application, please consult with the Director, Division of Regulatory Policy II, Office of Regulatory Policy (HFD-007).

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

/s/

Elaine Abraham
4/3/2008 02:04:25 PM

MEMORANDUM OF TELECON

DATE: March 24, 2008

APPLICATION NUMBER: NDA 22-009

BETWEEN: L'Oreal USA Products, Inc.
Name: John Tomaszewski, Director, Regulatory Submissions, Drug Approvals Group
Joe Bonina, Director, CMC, Drug Approvals Group
Jean Grieve, Asst. Vice-President Research & Development, Drug Approvals Group
Phone: 732-680-5562

AND Division of Nonprescription Clinical Evaluation, HFD-560
Name: Andrea Leonard-Segal, M.D., Director
Joel Schiffenbauer, M.D., Deputy Director
Neel Patel, PharmD., Regulatory Project Manager
Daiva Shetty, M.D., Medical Team Leader

Division of Nonprescription Regulation Development, HFD-560
Scott Furness, Ph.D., Director
Michael Koenig, Ph.D., Interdisciplinary Scientist

SUBJECT: SUBJECT OF TELEPHONE CONVERSATION

FDA requested the t-con to obtain additional information from L'Oreal on the interaction between sunscreens and the insect repellent DEET.

FDA stated that the dermal penetration of DEET may be increased in the presence of a concurrently applied sunscreen. FDA explained that this increase in absorption may result in DEET toxicity including seizures. FDA stressed that the potential toxicity represents a safety concern, especially in children. FDA asked if L'Oreal is aware of any relevant data or knows more about this potential interaction.

L'Oreal responded that they do not market DEET and never looked into any DEET-containing sunscreens. L'Oreal stated that they only became aware of this interaction through a PCPC (CTFA) conference at which Taiwanese regulators proposed adding a DEET warning on all cosmetics. L'Oreal added that the industry response to the Taiwanese proposal was that it would not be appropriate to include a warning on sunscreens. FDA asked L'Oreal why industry was against the DEET warning. L'Oreal responded that they were not directly involved in the discussion with the Taiwanese regulators but would locate and provide to FDA any written documentation on this issue.

FDA stated that they will need further internal discussion on the safety concerns resulting from the increased bioavailability of DEET. L'Oreal asked FDA to provide copies of the references that prompted the teleconference. FDA agreed to email relevant references to L'Oreal.

Neel Patel
Regulatory Project Manager

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

/s/

Neel Patel
3/27/2008 02:28:18 PM
CSO

DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC HEALTH SERVICE FOOD AND DRUG ADMINISTRATION		REQUEST FOR CONSULTATION		
TO (Division/Office): Margo Owens, CPMS Div. of Dermatology and Dental Products		FROM: Elaine Abraham, RPM Div. of Nonprescription Clinical Evaluation, WO22, Room 5410		
DATE February 20, 2008	IND NO.	NDA NO. 22-009	TYPE OF DOCUMENT PeRC meeting	DATE OF DOCUMENT
NAME OF DRUG Anthelios 40 cream	PRIORITY CONSIDERATION High	CLASSIFICATION OF DRUG Sunscreen	DESIRED COMPLETION DATE February 27, 2008	
NAME OF FIRM: L'Oreal				
REASON FOR REQUEST				
I. GENERAL				
<input type="checkbox"/> NEW PROTOCOL <input type="checkbox"/> PROGRESS REPORT <input type="checkbox"/> NEW CORRESPONDENCE <input type="checkbox"/> DRUG ADVERTISING <input type="checkbox"/> ADVERSE REACTION REPORT <input type="checkbox"/> MANUFACTURING CHANGE/ADDITION <input type="checkbox"/> MEETING PLANNED BY <input type="checkbox"/> PRE--NDA MEETING <input type="checkbox"/> END OF PHASE II MEETING <input type="checkbox"/> RESUBMISSION <input type="checkbox"/> SAFETY/EFFICACY <input type="checkbox"/> PAPER NDA <input type="checkbox"/> CONTROL SUPPLEMENT <input type="checkbox"/> RESPONSE TO DEFICIENCY LETTER <input type="checkbox"/> FINAL PRINTED LABELING <input type="checkbox"/> LABELING REVISION <input type="checkbox"/> ORIGINAL NEW CORRESPONDENCE <input type="checkbox"/> FORMULATIVE REVIEW <input checked="" type="checkbox"/> OTHER (SPECIFY BELOW):				
II. BIOMETRICS				
STATISTICAL EVALUATION BRANCH		STATISTICAL APPLICATION BRANCH		
<input type="checkbox"/> TYPE A OR B NDA REVIEW <input type="checkbox"/> END OF PHASE II MEETING <input type="checkbox"/> CONTROLLED STUDIES <input type="checkbox"/> PROTOCOL REVIEW <input type="checkbox"/> OTHER (SPECIFY BELOW):		<input type="checkbox"/> CHEMISTRY REVIEW <input type="checkbox"/> PHARMACOLOGY <input type="checkbox"/> BIOPHARMACEUTICS <input type="checkbox"/> OTHER (SPECIFY BELOW):		
III. BIOPHARMACEUTICS				
<input type="checkbox"/> DISSOLUTION <input type="checkbox"/> BIOAVAILABILITY STUDIES <input type="checkbox"/> PHASE IV STUDIES		<input type="checkbox"/> DEFICIENCY LETTER RESPONSE <input type="checkbox"/> PROTOCOL-BIOPHARMACEUTICS <input type="checkbox"/> IN-VIVO WAIVER REQUEST		
IV. DRUG EXPERIENCE				
<input type="checkbox"/> PHASE IV SURVEILLANCE/EPIDEMIOLOGY PROTOCOL <input type="checkbox"/> DRUG USE e.g. POPULATION EXPOSURE, ASSOCIATED DIAGNOSES <input type="checkbox"/> CASE REPORTS OF SPECIFIC REACTIONS (List below) <input type="checkbox"/> COMPARATIVE RISK ASSESSMENT ON GENERIC DRUG GROUP		<input type="checkbox"/> REVIEW OF MARKETING EXPERIENCE, DRUG USE AND SAFETY <input type="checkbox"/> SUMMARY OF ADVERSE EXPERIENCE <input type="checkbox"/> POISON RISK ANALYSIS		
V. SCIENTIFIC INVESTIGATIONS				
<input type="checkbox"/> CLINICAL		<input type="checkbox"/> PRECLINICAL		
COMMENTS/SPECIAL INSTRUCTIONS: This consult is to request your Division attendance at a PeRC meeting to discuss the safety of NDA 22-009 in pediatric patients. The meeting is scheduled for February 27 at 10:00. Please contact Elaine Abraham at 796-0843 if you have any questions.				
SIGNATURE OF REQUESTER {See appended electronic signature page}		METHOD OF DELIVERY (Check one) <input type="checkbox"/> MAIL <input type="checkbox"/> HAND		
SIGNATURE OF RECEIVER		SIGNATURE OF DELIVERER		

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

/s/

Elaine Abraham
2/21/2008 07:00:35 AM

REQUEST FOR CONSULTATION

To (Office/Division): Lisa Mathis, Associate Director
Pediatric and Maternal Health Staff

FROM (Name, Office/Division, and Phone Number of Requestor):

Elaine Abraham, RPM
Division of Nonprescription Clinical Evaluation/ONP

DATE October 12, 2007	IND NO.	NDA NO. 22-009	TYPE OF DOCUMENT NDA	DATE OF DOCUMENT
NAME OF DRUG 3% ecamsule/2% avobenzone /10% octocrylene/5% titanium dioxide		PRIORITY CONSIDERATION High	CLASSIFICATION OF DRUG sunscreen	DESIRED COMPLETION DATE January 15, 2008

NAME OF FIRM: L'Oreal

REASON FOR REQUEST

I. GENERAL

- | | | |
|--|---|--|
| <input type="checkbox"/> NEW PROTOCOL
<input type="checkbox"/> PROGRESS REPORT
<input type="checkbox"/> NEW CORRESPONDENCE
<input type="checkbox"/> DRUG ADVERTISING
<input type="checkbox"/> ADVERSE REACTION REPORT
<input type="checkbox"/> MANUFACTURING CHANGE / ADDITION
<input type="checkbox"/> MEETING PLANNED BY | <input type="checkbox"/> PRE-NDA MEETING
<input type="checkbox"/> END-OF-PHASE 2a MEETING
<input type="checkbox"/> END-OF-PHASE 2 MEETING
<input type="checkbox"/> RESUBMISSION
<input type="checkbox"/> SAFETY / EFFICACY
<input type="checkbox"/> PAPER NDA
<input type="checkbox"/> CONTROL SUPPLEMENT | <input type="checkbox"/> RESPONSE TO DEFICIENCY LETTER
<input type="checkbox"/> FINAL PRINTED LABELING
<input type="checkbox"/> LABELING REVISION
<input type="checkbox"/> ORIGINAL NEW CORRESPONDENCE
<input type="checkbox"/> FORMULATIVE REVIEW
<input checked="" type="checkbox"/> OTHER (SPECIFY BELOW): |
|--|---|--|

II. BIOMETRICS

- | | |
|---|--|
| <input type="checkbox"/> PRIORITY P NDA REVIEW
<input type="checkbox"/> END-OF-PHASE 2 MEETING
<input type="checkbox"/> CONTROLLED STUDIES
<input type="checkbox"/> PROTOCOL REVIEW
<input type="checkbox"/> OTHER (SPECIFY BELOW): | <input type="checkbox"/> CHEMISTRY REVIEW
<input type="checkbox"/> PHARMACOLOGY
<input type="checkbox"/> BIOPHARMACEUTICS
<input type="checkbox"/> OTHER (SPECIFY BELOW): |
|---|--|

III. BIOPHARMACEUTICS

- | | |
|--|--|
| <input type="checkbox"/> DISSOLUTION
<input type="checkbox"/> BIOAVAILABILITY STUDIES
<input type="checkbox"/> PHASE 4 STUDIES | <input type="checkbox"/> DEFICIENCY LETTER RESPONSE
<input type="checkbox"/> PROTOCOL - BIOPHARMACEUTICS
<input type="checkbox"/> IN-VIVO WAIVER REQUEST |
|--|--|

IV. DRUG SAFETY

- | | |
|---|---|
| <input type="checkbox"/> PHASE 4 SURVEILLANCE/EPIDEMIOLOGY PROTOCOL
<input type="checkbox"/> DRUG USE, e.g., POPULATION EXPOSURE, ASSOCIATED DIAGNOSES
<input type="checkbox"/> CASE REPORTS OF SPECIFIC REACTIONS (List below)
<input type="checkbox"/> COMPARATIVE RISK ASSESSMENT ON GENERIC DRUG GROUP | <input type="checkbox"/> REVIEW OF MARKETING EXPERIENCE, DRUG USE AND SAFETY
<input type="checkbox"/> SUMMARY OF ADVERSE EXPERIENCE
<input type="checkbox"/> POISON RISK ANALYSIS |
|---|---|

V. SCIENTIFIC INVESTIGATIONS

- | | |
|-----------------------------------|--------------------------------------|
| <input type="checkbox"/> CLINICAL | <input type="checkbox"/> NONCLINICAL |
|-----------------------------------|--------------------------------------|

COMMENTS / SPECIAL INSTRUCTIONS: See attached.

SIGNATURE OF REQUESTOR
Elaine Abraham, RPM, (301) 796-0843

METHOD OF DELIVERY (Check one)
 DFS EMAIL MAIL HAND

PRINTED NAME AND SIGNATURE OF RECEIVER

PRINTED NAME AND SIGNATURE OF DELIVERER

This consult is in reference to NDA 22-009 for Helioblock SX (combination sunscreen drug product). L'Oreal intends to market Helioblock-SX for prevention of sunburn in adults and children down to 6 months.

L'Oreal also requested a waiver for children less than 6 months of age and we are planning to grant it.

Background

[REDACTED]

b(4)

b(4)

Now the sponsor is submitting NDA 22-009 for the same Helioblock SX product, for approval as an OTC sunscreen, including the same studies previously conducted.

Helioblock SX cream is a combination of two mainly UVB (octocrylene and titanium dioxide) and two mainly UVA (Ecamsule and avobenzone) ultraviolet filters. The rationale for the combination of the four filters, namely, ecamsule, avobenzone, octocrylene, and titanium dioxide, is to provide a strong and continuous protection across the entire ultraviolet spectrum.

Avobenzone, octocrylene, and titanium dioxide are Category I sunscreens in the final monograph for OTC sunscreen drug products. The monograph permits the use of octocrylene and titanium dioxide in a single sunscreen product in approved concentrations; the concentrations of these ingredients in Helioblock SX are within the approved ranges.

Ecamsule was first approved in the United States on July 21, 2006 in NDA 21-502 for Anthelios SX Cream, a combination of ecamsule 2%, avobenzone 2%, and octocrylene 10% (formulation 539.009). Subsequently, two additional sunscreen products containing ecamsule (formulations 539.106 and 760.006) have been approved. See table below for the differences in formulations among the four products.

A comparison of the formulations of Helioblock SX and the _____ products is as follows.

b(4)

Composition (%)	Helioblock SX	_____ 539.106	_____ 760.006	_____ 539.009
Avobenzone	2.0	2.0	2.0	2.0
Ecamsule	3.0	2.0	3.0	2.0
Octocrylene	10.0	10.0	10.0	10.0
Titanium dioxide	5.0	2.0	-	-

b(4)

As can be seen, Helioblock SX includes all 4 ingredients, with ecamsule at 3% and titanium dioxide at 10%. The only other formulation containing 3% ecamsule did not include titanium dioxide. All formulations have had dermal safety studies, in adults. Dermal safety studies were considered adequate to show that there is little or no potential for irritation, phototoxicity, or photosensitization, with some potential for sensitization.

The following table shows the safety and efficacy studies for the various formulations, the study number, the formulation that was studied, the number of subjects studied, the number of subjects for a particular age group, and the type of study:

Study	Formulation	N. subjects	Ages	Duration	Study type
18047	Helioblock SX	475 entered 278 completed	11 subjects (12-18 y.o.) 428 subjects (≥18 y.o.)	137 subjects for ≥12 months 187 subjects for 6-12 months 92 subjects for <6 months	Open label safety Self application
18057	Helioblock SX	144	≥18		Phase 3
2616	Helioblock SX	87	≥18		Phase 2
750.03	593-106 NDA 21-471, approved	79	6m-2 y...24 2-6 y...32 6-12 y...8 12-18 y...2 >18 y...13	Intermittent up to 6 months Average duration 40 days	
750.02	760.006 NDA 21-501, approved		5m-2 y...57 2-6 y...60 6-12 y...62	Intermittent up to 12 months Average duration 4	

			12-18y...24 >18y...43	months	
750.01	539.009 NDA 21-502, Approved as Anthelios SX	248	12-18 y...78 >18y...170	Intermittent up to 12 months Average duration 10 months	

As can be seen, the Helioblock SX formulation has been studied mostly in adults, and also in 11 subjects age 12-18, with no data being available below the age of 12. All three approved formulations have been studied in children down to 6 months of age in open label intermittent long-term (6-12 months) use studies. The only other formulation with ecamsule 3% is 760.006, which was studied in 57 subjects younger than 2 years, in 60 subjects 2-6 years old, in 62 subjects 6-12 years old, and in 24 subjects 12-18 years old. For more details on these studies, see medical officer reviews in DFS under NDAs 21-501, 21-502, and 21-471. We found that the data submitted were sufficient for labeling products down to 6 months of age and waived the requirement to study these products below the age of 6 months.

b(4)

In March 2006, L'Oreal submitted (IND 57,850, #30) protocol PEN.750.04 for a clinical safety trial of long term intermittent use of Helioblock SX in 135 subjects 6 months to 12 years of age. This study is mentioned in the current NDA, Vol. 1.1, page 076. It is unclear whether the study, which was supposed to be completed by now, has been conducted.

Please advise if L'Oreal needs to provide safety data for the 6 months to 12 years of age for the Helioblock SX product for the prevention of sunburn?

If no, can we label the product for prevention of sunburn down to 6 months of age?

If yes, what kind of studies and in what age categories should be conducted; and could it be a postmarketing commitment?

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

/s/

Elaine Abraham
10/12/2007 01:48:43 PM

PEDIATRIC WAIVER REQUEST

In accordance with 21 CFR § 314.55(c)(3)(ii), L'ORÉAL USA Products, Inc. is hereby requesting a partial waiver from supplying use information in the pediatric population under 6 months of age for Helioblock® SX Cream (SPF 40) in the prevention of sunburn and skin damage following chronic exposure to ultraviolet radiation. A partial waiver is requested because the product that is the subject of this application is very similar in composition and identical in indication for use to three other L'ORÉAL sunscreen products containing combinations of the same three or four sunscreen active ingredients in varying amounts that were granted PREA Partial Waivers (2/23/2007 for NDAs 21-501 & 21-502 and 3/2/2007 for NDA 21-471) for the following reasons:

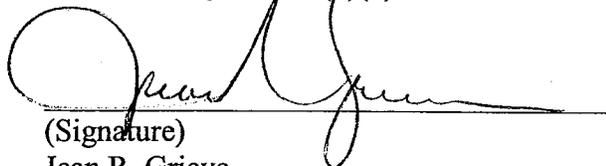
(a) in children less than 6 months of age non-chemical protection should be the main modality used to protect young infants from sun exposure, and

(b) the use of sunscreen products in infants less than 6 months of age may lead to inappropriately high systemic levels of the ingredients and pose safety concerns.

As per the granting of the above noted partial waivers, studies for children less than 6 months of age should be waived for Helioblock® SX Cream (SPF 40).

Further information to support this request is included in Appendix 11.14.2 in Item 8 Section 11, Pediatric Section in accordance with 21 CFR § 314.50 (d)(7).

May 25, 2007
(Date)


(Signature)

Jean R. Grieve
AVP Research & Development,
Drug Approval Group
L'ORÉAL USA Products, Inc.

NDA REGULATORY FILING REVIEW
(Including Memo of Filing Meeting)

NDA # 22-009 Supplement # Efficacy Supplement Type SE-

Proprietary Name: Various TN's - SPF 40 Sunscreen cream
Established Name: 3% ecamsule/2% avobenzone /10% octocrylene/
5% titanium dioxide
Strengths:

Applicant: L'Oreal
Agent for Applicant (if applicable):

Date of Application: May 31, 2007
Date of Receipt: May 31, 2007
Date clock started after UN:
Date of Filing Meeting: July 16, 2007
Filing Date: July 30, 2007
Action Goal Date (optional): January 31, 2008 User Fee Goal Date: March 31, 2008

Indication(s) requested: prevention of sunburn and skin damage following chronic exposure to ultraviolet radiation (UVR)

Type of Original NDA: (b)(1) (b)(2)
AND (if applicable)
Type of Supplement: (b)(1) (b)(2)

NOTE:

(1) If you have questions about whether the application is a 505(b)(1) or 505(b)(2) application, see Appendix A. A supplement can be either a (b)(1) or a (b)(2) regardless of whether the original NDA was a (b)(1) or a (b)(2). If the application or efficacy supplement is a (b)(2), complete Appendix B.

Review Classification: S P
Resubmission after withdrawal? Resubmission after refuse to file?
Chemical Classification: (1,2,3 etc.) #5
Other (orphan, OTC, etc.) OTC

Form 3397 (User Fee Cover Sheet) submitted: YES NO

User Fee Status: Paid Exempt (orphan, government)
Waived (e.g., small business, public health)

NOTE: If the NDA is a 505(b)(2) application, and the applicant did not pay a fee in reliance on the 505(b)(2) exemption (see box 7 on the User Fee Cover Sheet), confirm that a user fee is not required by contacting the User Fee staff in the Office of Regulatory Policy. The applicant is required to pay a user fee if: (1) the product described in the 505(b)(2) application is a new molecular entity or (2) the applicant claims a new indication for a use that has not been approved under section 505(b). Examples of a new indication for a use include a new indication, a new dosing regime, a new patient population, and an Rx-to-OTC switch. The best way to determine if the applicant is claiming a new indication for a use is to compare the applicant's proposed labeling to labeling that has already been approved for the product described in the application.

Highlight the differences between the proposed and approved labeling. If you need assistance in determining if the applicant is claiming a new indication for a use, please contact the User Fee staff.

- Is there any 5-year or 3-year exclusivity on this active moiety in any approved (b)(1) or (b)(2) application? YES NO
If yes, explain: NDA 21-471 (L'Oreal) has exclusivity until Oct. 5, 2009.

Note: If the drug under review is a 505(b)(2), this issue will be addressed in detail in appendix B.

- Does another drug have orphan drug exclusivity for the same indication? YES NO

- If yes, is the drug considered to be the same drug according to the orphan drug definition of sameness [21 CFR 316.3(b)(13)]? YES NO

If yes, consult the Director, Division of Regulatory Policy II, Office of Regulatory Policy (HFD-007).

- Is the application affected by the Application Integrity Policy (AIP)? YES NO
If yes, explain:

- If yes, has OC/DMPQ been notified of the submission? YES NO

- Does the submission contain an accurate comprehensive index? YES NO
If no, explain:

- Was form 356h included with an authorized signature? YES NO
If foreign applicant, both the applicant and the U.S. agent must sign.

- Submission complete as required under 21 CFR 314.50? YES NO
If no, explain:

- Answer 1, 2, or 3 below (do not include electronic content of labeling as an partial electronic submission).

1. This application is a paper NDA YES

2. This application is an eNDA or combined paper + eNDA YES
This application is: All electronic Combined paper + eNDA
This application is in: NDA format CTD format
Combined NDA and CTD formats

Does the eNDA, follow the guidance?
(<http://www.fda.gov/cder/guidance/2353fnl.pdf>) YES NO

If an eNDA, all forms and certifications must be in paper and require a signature.

If combined paper + eNDA, which parts of the application were submitted in electronic format?

Additional comments: Preclinical and clinical datasets, Word draft labeling

3. This application is an eCTD NDA. YES

If an eCTD NDA, all forms and certifications must either be in paper and signed or be electronically signed.

Additional comments:

- Patent information submitted on form FDA 3542a? YES NO
- Exclusivity requested? YES, 3 yrs Years NO
NOTE: An applicant can receive exclusivity without requesting it; therefore, requesting exclusivity is not required.

- Correctly worded Debarment Certification included with authorized signature? YES NO
If foreign applicant, both the applicant and the U.S. Agent must sign the certification.

NOTE: Debarment Certification should use wording in FD&C Act section 306(k)(1) i.e., "[Name of applicant] hereby certifies that it did not and will not use in any capacity the services of any person debarred under section 306 of the Federal Food, Drug, and Cosmetic Act in connection with this application." Applicant may not use wording such as "To the best of my knowledge . . ."

- Are the required pediatric assessment studies and/or deferral/partial waiver/full waiver of pediatric studies (or request for deferral/partial waiver/full waiver of pediatric studies) included? YES NO

Pediatric waiver request for < 6 mos was included, studies in _____ for > 6 mos., but no sunscreen studies < 18 yrs using this formulation

- If the submission contains a request for deferral, partial waiver, or full waiver of studies, does the application contain the certification required under FD&C Act sections 505B(a)(3)(B) and (4)(A) and (B)? YES NO
- Is this submission a partial or complete response to a pediatric Written Request? YES NO

If yes, contact PMHT in the OND-IO

- Financial Disclosure forms included with authorized signature? YES NO
(Forms 3454 and/or 3455 must be included and must be signed by the APPLICANT, not an agent.)
NOTE: Financial disclosure is required for bioequivalence studies that are the basis for approval.

- Field Copy Certification (that it is a true copy of the CMC technical section) YES NO
- PDUFA and Action Goal dates correct in tracking system? YES NO
If not, have the document room staff correct them immediately. These are the dates EES uses for calculating inspection dates.

- Drug name and applicant name correct in COMIS? If not, have the Document Room make the corrections. Ask the Doc Rm to add the established name to COMIS for the supporting IND if it is not already entered.

- List referenced IND numbers: IND 59,126 and 57,850

- Are the trade, established/proper, and applicant names correct in COMIS? YES NO
If no, have the Document Room make the corrections.

- End-of-Phase 2 Meeting(s)? Date(s) I59,126 - Jan 24, 2001 NO

b(4)

If yes, distribute minutes before filing meeting.

- Pre-NDA Meeting(s)? Date(s) _____ NO
If yes, distribute minutes before filing meeting.
- Any SPA agreements? Date(s) _____ NO
If yes, distribute letter and/or relevant minutes before filing meeting.

Project Management

- If Rx, was electronic Content of Labeling submitted in SPL format? YES NO
If no, request in 74-day letter.
- If Rx, for all new NDAs/efficacy supplements submitted on or after 6/30/06:
Was the PI submitted in PLR format? YES NO

If no, explain. Was a waiver or deferral requested before the application was received or in the submission? If before, what is the status of the request:
- If Rx, all labeling (PI, PPI, MedGuide, carton and immediate container labels) has been consulted to DDMAC? YES NO
- If Rx, trade name (and all labeling) consulted to OSE/DMETS? YES NO
- If Rx, MedGuide and/or PPI (plus PI) consulted to ODE/DSRCS?
N/A YES NO
- Risk Management Plan consulted to OSE/IO? N/A YES NO
- If a drug with abuse potential, was an Abuse Liability Assessment, including a proposal for scheduling submitted? NA YES NO

If Rx-to-OTC Switch or OTC application:

- Proprietary name, all OTC labeling/packaging, and current approved PI consulted to OSE/DMETS? YES NO
- If the application was received by a clinical review division, has DNPCE been notified of the OTC switch application? Or, if received by DNPCE, has the clinical review division been notified? YES NO

Clinical

- If a controlled substance, has a consult been sent to the Controlled Substance Staff? YES NO

Chemistry

- Did applicant request categorical exclusion for environmental assessment? YES NO
If no, did applicant submit a complete environmental assessment? YES NO

- If EA submitted, consulted to EA officer, OPS? YES NO
- Establishment Evaluation Request (EER) submitted to DMPQ? YES NO
- If a parenteral product, consulted to Microbiology Team? YES NO

ATTACHMENT

MEMO OF FILING MEETING

DATE: July 16, 2007

NDA #: 22-009

DRUG NAMES: ecamsule/avobenzone /octocrylene/
titanium dioxide

APPLICANT: L'Oreal

BACKGROUND: This NDA proposes a combination product containing ecamsule 3%, avobenzone USP 2%, octocrylene USP 10%, titanium dioxide 5% for the prevention of sunburn and skin damage following chronic exposure to ultraviolet radiation (UVR). Ecamsule is a molecular entity first approved in the U.S. On July 21, 2006 under NDA 21-502. Avobenzone, octocrylene, and titanium dioxide are OTC monograph ingredients.

Other related NDAs are 21-501 and 21-502 which are 3-ingredient sunscreen combinations (that do not include titanium dioxide). 21-471 is a related sunscreen containing the same four ingredients as this NDA but lower concentrations of ecamsule and titanium dioxide. The Office of Nonprescription Products is reviewing this NDA. The Division of Dermatological and Dental Products is being consulted for dermal safety.

(Provide a brief background of the drug, (e.g., molecular entity is already approved and this NDA is for an extended-release formulation; whether another Division is involved; foreign marketing history; etc.)

ATTENDEES: Andrea Leonard-Segal, Joel Schiffenbauer, Daiva Shetty, Matthew Holman, Shulin Ding in addition to assigned reviewers

ASSIGNED REVIEWERS (including those not present at filing meeting) : see below

<u>Discipline/Organization</u>	<u>Reviewer</u>
Medical:	Joe Porres/ Mike Koenig (eff)
Secondary Medical:	David Kettl (consult)
Statistical:	
Pharmacology:	Wafa Harrouk
Statistical Pharmacology:	
Chemistry:	Christopher Hough
Environmental Assessment (if needed):	
Biopharmaceutical:	Abi Adebowale
Microbiology, sterility:	
Microbiology, clinical (for antimicrobial products only):	
DSI:	

OPS:

Regulatory Project Management:
Other Consults:

Elaine Abraham
Mike Koenig (labeling)

Per reviewers, are all parts in English or English translation? YES NO
If no, explain:

CLINICAL FILE REFUSE TO FILE

• Clinical site audit(s) needed? YES NO
If no, explain:

• Advisory Committee Meeting needed? YES, date if known _____ NO

• If the application is affected by the AIP, has the division made a recommendation regarding whether or not an exception to the AIP should be granted to permit review based on medical necessity or public health significance?
N/A YES NO

CLINICAL MICROBIOLOGY N/A FILE REFUSE TO FILE

STATISTICS N/A FILE REFUSE TO FILE

BIOPHARMACEUTICS FILE REFUSE TO FILE

• Biopharm. study site audits(s) needed? YES NO

PHARMACOLOGY/TOX N/A FILE REFUSE TO FILE

• GLP audit needed? YES NO

CHEMISTRY FILE REFUSE TO FILE

• Establishment(s) ready for inspection? YES NO

• Sterile product? YES NO

If yes, was microbiology consulted for validation of sterilization?
YES NO

ELECTRONIC SUBMISSION:

Any comments:

REGULATORY CONCLUSIONS/DEFICIENCIES:

(Refer to 21 CFR 314.101(d) for filing requirements.)

The application is unsuitable for filing. Explain why:

The application, on its face, appears to be well-organized and indexed. The application appears to be suitable for filing.

No filing issues have been identified.

Filing issues to be communicated by Day 74. List (optional): labeling and pediatric safety

ACTION ITEMS:

1. Ensure that the review and chemical classification codes, as well as any other pertinent classification codes (e.g., orphan, OTC) are correctly entered into COMIS.
2. If RTF, notify everybody who already received a consult request of RTF action. Cancel the EER.
3. If filed and the application is under the AIP, prepare a letter either granting (for signature by Center Director) or denying (for signature by ODE Director) an exception for review.
4. If filed, complete the Pediatric Page at this time. (If paper version, enter into DFS.)
5. Convey document filing issues/no filing issues to applicant by Day 74.

Elaine Abraham
Regulatory Project Manager

Appendix A to NDA Regulatory Filing Review

NOTE: The term "original application" or "original NDA" as used in this appendix denotes the NDA submitted. It does not refer to the reference drug product or "reference listed drug."

An original application is likely to be a 505(b)(2) application if:

- (1) it relies on published literature to meet any of the approval requirements, and the applicant does not have a written right of reference to the underlying data. If published literature is cited in the NDA but is not necessary for approval, the inclusion of such literature will not, in itself, make the application a 505(b)(2) application,
- (2) it relies for approval on the Agency's previous findings of safety and efficacy for a listed drug product and the applicant does not own or have right to reference the data supporting that approval, or
- (3) it relies on what is "generally known" or "scientifically accepted" about a class of products to support the safety or effectiveness of the particular drug for which the applicant is seeking approval. (Note, however, that this does not mean *any* reference to general information or knowledge (e.g., about disease etiology, support for particular endpoints, methods of analysis) causes the application to be a 505(b)(2) application.)

Types of products for which 505(b)(2) applications are likely to be submitted include: fixed-dose combination drug products (e.g., heart drug and diuretic (hydrochlorothiazide) combinations); OTC monograph deviations (see 21 CFR 330.11); new dosage forms; new indications; and, new salts.

An efficacy supplement can be either a (b)(1) or a (b)(2) regardless of whether the original NDA was a (b)(1) or a (b)(2).

An efficacy supplement is a 505(b)(1) supplement if the supplement contains all of the information needed to support the approval of the change proposed in the supplement. For example, if the supplemental application is for a new indication, the supplement is a 505(b)(1) if:

- (1) The applicant has conducted its own studies to support the new indication (or otherwise owns or has right of reference to the data/studies),
- (2) No additional information beyond what is included in the supplement or was embodied in the finding of safety and effectiveness for the original application or previously approved supplements is needed to support the change. For example, this would likely be the case with respect to safety considerations if the dose(s) was/were the same as (or lower than) the original application, and.
- (3) All other "criteria" are met (e.g., the applicant owns or has right of reference to the data relied upon for approval of the supplement, the application does not rely for approval on published literature based on data to which the applicant does not have a right of reference).

An efficacy supplement is a 505(b)(2) supplement if:

- (1) Approval of the change proposed in the supplemental application would require data beyond that needed to support our previous finding of safety and efficacy in the approval of the

original application (or earlier supplement), and the applicant has not conducted all of its own studies for approval of the change, or obtained a right to reference studies it does not own. For example, if the change were for a new indication AND a higher dose, we would likely require clinical efficacy data and preclinical safety data to approve the higher dose. If the applicant provided the effectiveness data, but had to rely on a different listed drug, or a new aspect of a previously cited listed drug, to support the safety of the new dose, the supplement would be a 505(b)(2),

- (2) The applicant relies for approval of the supplement on published literature that is based on data that the applicant does not own or have a right to reference. If published literature is cited in the supplement but is not necessary for approval, the inclusion of such literature will not, in itself, make the supplement a 505(b)(2) supplement, or
- (3) The applicant is relying upon any data they do not own or to which they do not have right of reference.

If you have questions about whether an application is a 505(b)(1) or 505(b)(2) application, consult with your ODE's Office of Regulatory Policy representative.

**Appendix B to NDA Regulatory Filing Review
Questions for 505(b)(2) Applications**

1. Does the application reference a listed drug (approved drug)? YES NO

If "No," skip to question 3.

2. Name of listed drug(s) referenced by the applicant (if any) and NDA/ANDA #(s):
3. Is this application for a drug that is an "old" antibiotic (as described in the draft guidance implementing the 1997 FDAMA provisions? (Certain antibiotics are not entitled to Hatch-Waxman patent listing and exclusivity benefits.)

YES NO

If "Yes," skip to question 7.

4. Is this application for a recombinant or biologically-derived product?

YES NO

If "Yes" contact your ODE's Office of Regulatory Policy representative.

5. The purpose of the questions below (questions 5 to 6) is to determine if there is an approved drug product that is equivalent or very similar to the product proposed for approval that should be referenced as a listed drug in the pending application.

- (a) Is there a pharmaceutical equivalent(s) to the product proposed in the 505(b)(2) application that is already approved?

YES NO

(Pharmaceutical equivalents are drug products in identical dosage forms that: (1) contain identical amounts of the identical active drug ingredient, i.e., the same salt or ester of the same therapeutic moiety, or, in the case of modified release dosage forms that require a reservoir or overage or such forms as prefilled syringes where residual volume may vary, that deliver identical amounts of the active drug ingredient over the identical dosing period; (2) do not necessarily contain the same inactive ingredients; and (3) meet the identical compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times, and/or dissolution rates. (21 CFR 320.1(c))

If "No," to (a) skip to question 6. Otherwise, answer part (b and (c)).

- (b) Is the pharmaceutical equivalent approved for the same indication for which the 505(b)(2) application is seeking approval? YES NO

- (c) Is the approved pharmaceutical equivalent(s) cited as the listed drug(s)? YES NO

If "Yes," (c), list the pharmaceutical equivalent(s) and proceed to question 6.

If "No," to (c) list the pharmaceutical equivalent and contact your ODE's Office of Regulatory Policy representative.

Pharmaceutical equivalent(s):

6. (a) Is there a pharmaceutical alternative(s) already approved? YES NO

(Pharmaceutical alternatives are drug products that contain the identical therapeutic moiety, or its precursor, but not necessarily in the same amount or dosage form or as the same salt or ester. Each such drug product individually meets either the identical or its own respective compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times and/or dissolution rates. (21 CFR 320.1(d)) Different dosage forms and strengths within a product line by a single manufacturer are thus pharmaceutical alternatives, as are extended-release products when compared with immediate- or standard-release formulations of the same active ingredient.)

If "No," to (a) skip to question 7. Otherwise, answer part (b and (c)).

- (b) Is the pharmaceutical alternative approved for the same indication for which the 505(b)(2) application is seeking approval? YES NO

- (c) Is the approved pharmaceutical alternative(s) cited as the listed drug(s)? YES NO

If "Yes," to (c), proceed to question 7. NDA 21-471(L'Oreal) with same 4 ingredients is cited in OB as the RLD.

NOTE: If there is more than one pharmaceutical alternative approved, consult your ODE's Office of Regulatory Policy representative to determine if the appropriate pharmaceutical alternatives are referenced.

If "No," to (c), list the pharmaceutical alternative(s) and contact your ODE's Office of Regulatory Policy representative. Proceed to question 7.

Pharmaceutical alternative(s):

7. (a) Does the application rely on published literature necessary to support the proposed approval of the drug product (i.e. is the published literature necessary for the approval)? YES NO

If "No," skip to question 8. Otherwise, answer part (b). Tentative Final Monograph for Sunscreen Drug Products for OTC Human Use (21 CFR 352) for the safety and effectiveness of avobenzone, octocrylene, titanium dioxide.

(b) Does any of the published literature cited reference a specific (e.g. brand name) product? Note that if yes, the applicant will be required to submit patent certification for the product, see question 12. No.

8. Describe the change from the listed drug(s) provided for in this (b)(2) application (for example, "This application provides for a new indication, otitis media" or "This application provides for a change in dosage form, from capsules to solution"). This application has an increased strength for two ingredients from the listed drug - 3% ecamsule and 5% titanium dioxide.

9. Is the application for a duplicate of a listed drug and eligible for approval under section 505(j) as an ANDA? (Normally, FDA may refuse-to-file such NDAs (see 21 CFR 314.101(d)(9)).) YES NO

10. Is the application for a duplicate of a listed drug whose only difference is that the extent to which the active ingredient(s) is absorbed or otherwise made available to the site of action less than that of the reference listed drug (RLD)? YES NO

(See 314.54(b)(1)). If yes, the application may be refused for filing under 21 CFR 314.101(d)(9)).

11. Is the application for a duplicate of a listed drug whose only difference is that the rate at which the product's active ingredient(s) is absorbed or made available to the site of action is unintentionally less than that of the RLD (see 21 CFR 314.54(b)(2))? If yes, the application may be refused for filing under 21 CFR 314.101(d)(9). YES NO
12. Are there certifications for each of the patents listed in the Orange Book for the listed drug(s) referenced by the applicant (see question #2)? (This is different from the patent declaration submitted on form FDA 3542 and 3542a.) YES NO

Note: The applicant (L'Oreal) is the owner of patents listed in Orange Book.

13. Which of the following patent certifications does the application contain? (Check all that apply and identify the patents to which each type of certification was made, as appropriate.)

- Not applicable (e.g., solely based on published literature. See question # 7)
- 21 CFR 314.50(i)(1)(i)(A)(1): The patent information has not been submitted to FDA. (Paragraph I certification)
Patent number(s):
- 21 CFR 314.50(i)(1)(i)(A)(2): The patent has expired. (Paragraph II certification)
Patent number(s):
- 21 CFR 314.50(i)(1)(i)(A)(3): The date on which the patent will expire. (Paragraph III certification)
Patent number(s):
- 21 CFR 314.50(i)(1)(i)(A)(4): The patent is invalid, unenforceable, or will not be infringed by the manufacture, use, or sale of the drug product for which the application is submitted. (Paragraph IV certification)
Patent number(s):

NOTE: IF FILED, and if the applicant made a "Paragraph IV" certification [21 CFR 314.50(i)(1)(i)(A)(4)], the applicant must **subsequently** submit a signed certification stating that the NDA holder and patent owner(s) were notified the NDA was filed [21 CFR 314.52(b)]. The applicant must also submit documentation showing that the NDA holder and patent owner(s) received the notification [21 CFR 314.52(e)]. OND will contact you to verify that this documentation was received.

- 21 CFR 314.50(i)(3): Statement that applicant has a licensing agreement with the patent owner (must also submit certification under 21 CFR 314.50(i)(1)(i)(A)(4) above).
Patent number(s):
- Written statement from patent owner that it consents to an immediate effective date upon approval of the application.
Patent number(s):
- 21 CFR 314.50(i)(1)(ii): No relevant patents.
- 21 CFR 314.50(i)(1)(iii): The patent on the listed drug is a method of use patent and the

labeling for the drug product for which the applicant is seeking approval does not include any indications that are covered by the use patent as described in the corresponding use code in the Orange Book. Applicant must provide a statement that the method of use patent does not claim any of the proposed indications. (Section viii statement)

Patent number(s):

14. Did the applicant:

- Identify which parts of the application rely on the finding of safety and effectiveness for a listed drug or published literature describing a listed drug or both? For example, pharm/tox section of application relies on finding of preclinical safety for a listed drug.

YES NO

If "Yes," what is the listed drug product(s) and which sections of the 505(b)(2) application rely on the finding of safety and effectiveness or on published literature about that listed drug

Was this listed drug product(s) referenced by the applicant? (see question # 2)

YES NO

- Submit a bioavailability/bioequivalence (BA/BE) study comparing the proposed product to the listed drug(s)?

N/A YES NO

15. (a) Is there unexpired exclusivity on this listed drug (for example, 5 year, 3 year, orphan or pediatric exclusivity)? Note: this information is available in the Orange Book.

YES NO

Applicant did not cite a listed drug.

If "Yes," please list:

Application No.	Product No.	Exclusivity Code	Exclusivity Expiration

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

/s/

Elaine Abraham
8/27/2007 11:22:27 AM
CSO



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville, MD 20857

FILING COMMUNICATION

NDA 22-009

L'Oreal USA Products, Inc.
Attention: Jean R. Grieve
Assistant Vice President, Drug Approval Group
30 L'Oreal Way
Clark, NJ 07066

Dear Ms. Grieve:

Please refer to your May 31, 2007 new drug application (NDA) submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act for 3% ecamsule/2% avobenzone /10% octocrylene/ 5% titanium dioxide cream.

We have completed our filing review and have determined that your application is sufficiently complete to permit a substantive review. Therefore, this application was filed under section 505(b) of the Act on July 30, 2007, in accordance with 21 CFR 314.101(a).

In our filing review, we have identified the following potential review issues:

1. You have not identified which of your trade names will be the primary trade name for the drug.
2. Based on the information you submitted, we are unable to assess the safety of Helioblock SX in subjects less than 18 years of age.
3. Protocol PEN.750.94 for a 6-month long term safety study in subjects 6 months to 12 years of age was included in your submission, but the status of this study is not clear.

We are providing the above comments to give you preliminary notice of potential review issues. Our filing review is only a preliminary evaluation of the application and is not indicative of deficiencies that may be identified during our review. Issues may be added, deleted, expanded upon, or modified as we review the application.

We request that you submit the following information:

1. Designate one of your trade names as the primary trade name for the drug.

2. Provide safety information and the extent of exposure from the Helioblock SX formulation (3% ecamsule/2% avobenzone /10% octocrylene/5% titanium dioxide cream) for subjects younger than 18 years of age.
3. Clarify the status of long term safety study PEN.750.94.

Please respond only to the above requests for additional information. While we anticipate that any response submitted in a timely manner will be reviewed during this review cycle, such review decisions will be made on a case-by-case basis at the time of receipt of the submission.

If you have any questions, call Elaine Abraham, Regulatory Project Manager, at (301) 796-0843.

Sincerely,

{See appended electronic signature page}

Leah Christl, Ph.D.
Chief, Project Management Staff
Division of Nonprescription Clinical Evaluation
Office of Nonprescription Products
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/

Leah Christl
8/2/2007 10:23:09 AM



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville, MD 20857

NDA 22-009

L'Oreal USA Products, Inc.
Attention: Jean R. Grieve
Assistant Vice President, Drug Approval Group
30 L'Oreal Way
Clark, NJ 07066

Dear Ms. Grieve:

We have received your new drug application (NDA) submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act for the following:

Name of Drug Product: 3% ecamsule/2% avobenzone /10% octocrylene/
5% titanium dioxide cream

Review Priority Classification: Standard (S)

Date of Application: May 31, 2007

Date of Receipt: May 31, 2007

Our Reference Number: NDA 22-009

Unless we notify you within 60 days of the receipt date that the application is not sufficiently complete to permit a substantive review, we will file the application on July 30, 2007, in accordance with 21 CFR 314.101(a). If the application is filed, the user fee goal date will be March 31, 2008.

All applications for new active ingredients, new dosage forms, new indications, new routes of administration, and new dosing regimens are required to contain an assessment of the safety and effectiveness of the product in pediatric patients unless this requirement is waived or deferred. We acknowledge receipt of your request for a partial waiver of pediatric studies for children less than 6 months of age for this application. Once the application has been filed, we will notify you whether we have waived the pediatric study requirement for children less than 6 months of age. We note that in this application you have submitted pediatric data for children 6 months of age and older for other sunscreen formulations containing ecamsule, but not for this particular formulation. Once the review of this application is complete, we will notify you whether you have fulfilled the pediatric study requirement for this application.

Please cite the NDA number listed above at the top of the first page of all submissions to this application. Send all submissions, electronic or paper, including those sent by overnight mail or courier, to the following address:

Food and Drug Administration
Center for Drug Evaluation and Research
Office of Nonprescription Products
Division of Nonprescription Clinical Evaluation
5901-B Ammendale Road
Beltsville, MD 20705-1266

If you have any questions, call Elaine Abraham, Regulatory Project Manager, at (301) 796-0843.

Sincerely,

{See appended electronic signature page}

Leah Christl, Ph.D.
Chief, Project Management Staff
Division of Nonprescription Clinical Evaluation
Office of Nonprescription Products
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/

Leah Christl
7/24/2007 01:34:23 PM

DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC HEALTH SERVICE FOOD AND DRUG ADMINISTRATION		REQUEST FOR CONSULTATION		
TO (Division/Office): CPMS Div. of Dermatology and Dental Products		FROM: Elaine Abraham, RPM Div. of Nonprescription Clinical Evaluation, WO22, Room 5410		
DATE June 19, 2007	IND NO.	NDA NO. 22-009	TYPE OF DOCUMENT Original NDA	DATE OF DOCUMENT May 31, 2007
NAME OF DRUG Helioblock SPF 40 Sunscreen (avobenzone, ecamsule, octocrylene, titanium dioxide)		PRIORITY CONSIDERATION High	CLASSIFICATION OF DRUG sunscreen	DESIRED COMPLETION DATE January 31, 2008
NAME OF FIRM: L'Oreal				
REASON FOR REQUEST				
I. GENERAL				
<input type="checkbox"/> NEW PROTOCOL <input type="checkbox"/> PROGRESS REPORT <input type="checkbox"/> NEW CORRESPONDENCE <input type="checkbox"/> DRUG ADVERTISING <input type="checkbox"/> ADVERSE REACTION REPORT <input type="checkbox"/> MANUFACTURING CHANGE/ADDITION <input type="checkbox"/> MEETING PLANNED BY <input type="checkbox"/> PRE--NDA MEETING <input type="checkbox"/> END OF PHASE II MEETING <input type="checkbox"/> RESUBMISSION <input type="checkbox"/> SAFETY/EFFICACY <input type="checkbox"/> PAPER NDA <input type="checkbox"/> CONTROL SUPPLEMENT <input type="checkbox"/> RESPONSE TO DEFICIENCY LETTER <input type="checkbox"/> FINAL PRINTED LABELING <input type="checkbox"/> LABELING REVISION <input type="checkbox"/> ORIGINAL NEW CORRESPONDENCE <input type="checkbox"/> FORMULATIVE REVIEW <input checked="" type="checkbox"/> OTHER (SPECIFY BELOW):				
II. BIOMETRICS				
STATISTICAL EVALUATION BRANCH		STATISTICAL APPLICATION BRANCH		
<input type="checkbox"/> TYPE A OR B NDA REVIEW <input type="checkbox"/> END OF PHASE II MEETING <input type="checkbox"/> CONTROLLED STUDIES <input type="checkbox"/> PROTOCOL REVIEW <input type="checkbox"/> OTHER (SPECIFY BELOW):		<input type="checkbox"/> CHEMISTRY REVIEW <input type="checkbox"/> PHARMACOLOGY <input type="checkbox"/> BIOPHARMACEUTICS <input type="checkbox"/> OTHER (SPECIFY BELOW):		
III. BIOPHARMACEUTICS				
<input type="checkbox"/> DISSOLUTION <input type="checkbox"/> BIOAVAILABILITY STUDIES <input type="checkbox"/> PHASE IV STUDIES		<input type="checkbox"/> DEFICIENCY LETTER RESPONSE <input type="checkbox"/> PROTOCOL-BIOPHARMACEUTICS <input type="checkbox"/> IN-VIVO WAIVER REQUEST		
IV. DRUG EXPERIENCE				
<input type="checkbox"/> PHASE IV SURVEILLANCE/EPIDEMIOLOGY PROTOCOL <input type="checkbox"/> DRUG USE e.g. POPULATION EXPOSURE, ASSOCIATED DIAGNOSES <input type="checkbox"/> CASE REPORTS OF SPECIFIC REACTIONS (List below) <input type="checkbox"/> COMPARATIVE RISK ASSESSMENT ON GENERIC DRUG GROUP		<input type="checkbox"/> REVIEW OF MARKETING EXPERIENCE, DRUG USE AND SAFETY <input type="checkbox"/> SUMMARY OF ADVERSE EXPERIENCE <input type="checkbox"/> POISON RISK ANALYSIS		
V. SCIENTIFIC INVESTIGATIONS				
<input type="checkbox"/> CLINICAL		<input type="checkbox"/> PRECLINICAL		
COMMENTS/SPECIAL INSTRUCTIONS: Please review the sections related to the dermal safety studies for NDA22-009, Helioblock SX SPF 40 (760.001). The index in Volume 1, indicates that the following sections appear related to these studies: Item 3. Section 8. Safety Summary 8.2. Dermal tolerance studiesvolume1.2/142 Study PEN.110.01 cumulative irritation and sensitization Study PEN.210.01 photosensitization Study PEN 250.01 phototoxicity Study 1.CG.03.SRE.2604 irritation and contact sensitization Study 1.CG.03.SRE.2605. R01 phototoxicity Study 1.CG.03.SRE.2606 photoallergy The demographic data for these studies is in section 8.4 of volume 1.2 Adverse event data for these studies is included in section 8.6 Overall conclusions from the safety assessment is included in section 8.8				

Information related to dermal safety studies is also included in

Item 8. Clinical Data Section

Section 4. Clinical Pharmacology.....volume 1.67

Section 9 Integrated summary of data supporting safety.....volume 1.69

9.5 subject disposition Phase 1.2 studies

9.6 demographics Phase 1.2 studies

9.7.1 extent of exposure Phase 1.2 studies

9.11 Discontinuations due to adverse events

9.11.1 Phase 1, 2 studies

List of in-text tables.....volume 1.70

Section 19. attachment 4. copies of clinical study reports.....volume 1.73, 1.74, 1.75, 1.98, 1.99

Item 12. Case report forms.....volume 1.174, 1.178, 1.180

b(4)

Please contact Elaine Abraham at 796-0843 if you have any questions or need additional volumes from those that have already been provided.

SIGNATURE OF REQUESTER

{See appended electronic signature page}

METHOD OF DELIVERY (Check one)

MAIL

HAND

SIGNATURE OF RECEIVER

SIGNATURE OF DELIVERER

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

/s/

Elaine Abraham
6/19/2007 07:42:41 AM



DEPARTMENT OF HEALTH & HUMAN SERVICES

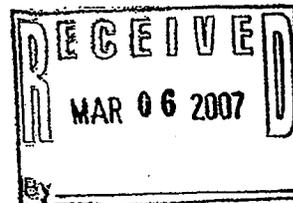
Public Health Service

Food and Drug Administration
Rockville, MD 20857

PREA PARTIAL WAIVER GRANTED

NDA 21-471

L'Oreal USA Products, Inc.
Attention: Jean R. Grieve
Assistant Vice President, Drug Approval Group
30 L'Oreal Way
Clark, NJ 07066



Dear Ms. Grieve:

Please refer to your submission dated November 15, 2006, requesting a waiver under 505B(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act) for pediatric studies for ANTHELIOS 20 (2% avobenzone, 2% ecamsule, 10% octocrylene and 2% titanium dioxide) cream.

We have reviewed your submission and agree that a waiver is justified for pediatric studies in children less than 6 months of age for the prevention of sunburn. The reasons for granting the waiver are:

- non-chemical protection should be the main modality used to protect young infants from sun exposure
- the use of sunscreen products in infants less than 6 months of age may lead to inappropriately high systemic levels of the ingredients and pose safety concerns.

We note that you have fulfilled the pediatric study requirement for children greater than 6 months of age for this application.

If you have questions, please call Elaine Abraham, Regulatory Project Manager, at (301) 796-0843.

Sincerely,

{See appended electronic signature page}

Andrea Leonard-Segal, M.D.
Director
Division of Nonprescription Clinical Evaluation
Office of Nonprescription Products
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/

Andrea Segal
3/2/2007 12:35:06 PM

ITEM 18

NDA 22-009
User Fee #s: PD3006319, PD3007003
Helioblock® SX Cream SPF 40

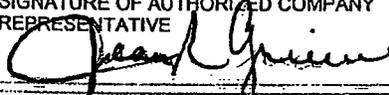
Attached please find two User Fee Cover Sheets and corresponding copies of checks sent to:

U.S. Food and Drug Administration
Mellon Client Service Center RM 670
500 Ross Street
Pittsburgh, PA 15262-0001

The cumulative total of these checks yields the User Fee amount of \$896,200, the fee rate for fiscal year 2007 for New Drug Application requiring clinical data.

1 st Check	November 22, 2005	\$767,400.00
2 nd Check	December 21, 2006	<u>\$128,800.00</u>
Total Paid Fiscal 2007 User Fee		\$896,200.00

Form Approved: OMB No. 0910 - 0297 Expiration Date: December 31, 2006 See instructions for OMB Statement.

DEPARTMENT OF HEALTH AND HUMAN SERVICES FOOD AND DRUG ADMINISTRATION		PRESCRIPTION DRUG USER FEE COVERSHEET				
A completed form must be signed and accompany each new drug or biologic product application and each new supplement. See exceptions on the reverse side. If payment is sent by U.S. mail or courier, please include a copy of this completed form with payment. Payment instructions and fee rates can be found on CDER's website: http://www.fda.gov/cder/pdufa/default.htm						
1. APPLICANT'S NAME AND ADDRESS LOREAL USA PRODUCTS INC Jean Grievé 30 Terminal Ave. Clark NJ 07066 US		4. BLA SUBMISSION TRACKING NUMBER (STN) / NDA NUMBER 22-009				
2. TELEPHONE NUMBER 732-680-5562		5. DOES THIS APPLICATION REQUIRE CLINICAL DATA FOR APPROVAL? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YOUR RESPONSE IS "NO" AND THIS IS FOR A SUPPLEMENT, STOP HERE AND SIGN THIS FORM. IF RESPONSE IS "YES", CHECK THE APPROPRIATE RESPONSE BELOW: <input checked="" type="checkbox"/> THE REQUIRED CLINICAL DATA ARE CONTAINED IN THE APPLICATION <input type="checkbox"/> THE REQUIRED CLINICAL DATA ARE SUBMITTED BY REFERENCE TO:				
3. PRODUCT NAME Various-To be Determined (Helioblock SPF 40) (association of avobenzone, ecamsule, octocrylene, and titanium dioxide)		6. USER FEE I.D. NUMBER PD3007003				
7. IS THIS APPLICATION COVERED BY ANY OF THE FOLLOWING USER FEE EXCLUSIONS? IF SO, CHECK THE APPLICABLE EXCLUSION. <input type="checkbox"/> A LARGE VOLUME PARENTERAL DRUG PRODUCT APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT BEFORE 9/1/92 (Self Explanatory) <input type="checkbox"/> A 505(b)(2) APPLICATION THAT DOES NOT REQUIRE A FEE <input type="checkbox"/> THE APPLICATION QUALIFIES FOR THE ORPHAN EXCEPTION UNDER SECTION 736(a)(1)(E) of the Federal Food, Drug, and Cosmetic Act <input type="checkbox"/> THE APPLICATION IS SUBMITTED BY A STATE OR FEDERAL GOVERNMENT ENTITY FOR A DRUG THAT IS NOT DISTRIBUTED COMMERCIALY						
8. HAS A WAIVER OF AN APPLICATION FEE BEEN GRANTED FOR THIS APPLICATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: <table border="0"> <tr> <td> Department of Health and Human Services Food and Drug Administration CBER, HFM-99 1401 Rockville Pike Rockville, MD 20852-1448 </td> <td> Food and Drug Administration CDER, HFD-94 12420 Parklawn Drive, Room 3046 Rockville, MD 20852 </td> <td> An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. </td> </tr> </table>				Department of Health and Human Services Food and Drug Administration CBER, HFM-99 1401 Rockville Pike Rockville, MD 20852-1448	Food and Drug Administration CDER, HFD-94 12420 Parklawn Drive, Room 3046 Rockville, MD 20852	An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.
Department of Health and Human Services Food and Drug Administration CBER, HFM-99 1401 Rockville Pike Rockville, MD 20852-1448	Food and Drug Administration CDER, HFD-94 12420 Parklawn Drive, Room 3046 Rockville, MD 20852	An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.				
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE 		TITLE Asst. VP R+D Drug Approval Group	DATE 1-3-07			
9. USER FEE PAYMENT AMOUNT FOR THIS APPLICATION \$896,200.00 <i>Transfer funds from 2006 cover sheet (PD3006319: \$767,400)</i>						

Form FDA 3397 (12/03)

Close Print Cover sheet

Form Approved: OMB No. 0910 - 0297 Expiration Date: December 31, 2006 See instructions for OMB Statement.

DEPARTMENT OF HEALTH AND HUMAN SERVICES FOOD AND DRUG ADMINISTRATION	<h2 style="margin: 0;">PRESCRIPTION DRUG USER FEE COVERSHEET</h2>
---	---

A completed form must be signed and accompany each new drug or biologic product application and each new supplement. See exceptions on the reverse side. If payment is sent by U.S. mail or courier, please include a copy of this completed form with payment. Payment instructions and fee rates can be found on CDER's website: <http://www.fda.gov/cder/pdufa/default.htm>

1. APPLICANT'S NAME AND ADDRESS LOREAL USA PRODUCTS INC Jean Grieve 30 Terminal Ave. Clark NJ 07066 US	4. BLA SUBMISSION TRACKING NUMBER (STN) / NDA NUMBER 22-009
2. TELEPHONE NUMBER 732-680-5562	5. DOES THIS APPLICATION REQUIRE CLINICAL DATA FOR APPROVAL? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YOUR RESPONSE IS "NO" AND THIS IS FOR A SUPPLEMENT, STOP HERE AND SIGN THIS FORM. IF RESPONSE IS "YES", CHECK THE APPROPRIATE RESPONSE BELOW: <input checked="" type="checkbox"/> THE REQUIRED CLINICAL DATA ARE CONTAINED IN THE APPLICATION <input type="checkbox"/> THE REQUIRED CLINICAL DATA ARE SUBMITTED BY REFERENCE TO:

3. PRODUCT NAME various (Association of avobenzone, ecamsule, octocrylene, titanium dioxide)	6. USER FEE I.D. NUMBER PD3006319
---	--------------------------------------

7. IS THIS APPLICATION COVERED BY ANY OF THE FOLLOWING USER FEE EXCLUSIONS? IF SO, CHECK THE APPLICABLE EXCLUSION.

<input type="checkbox"/> A LARGE VOLUME PARENTERAL DRUG PRODUCT APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT BEFORE 9/1/92 (Self Explanatory)	<input type="checkbox"/> A 505(b)(2) APPLICATION THAT DOES NOT REQUIRE A FEE
<input type="checkbox"/> THE APPLICATION QUALIFIES FOR THE ORPHAN EXCEPTION UNDER SECTION 736(a)(1)(E) of the Federal Food, Drug, and Cosmetic Act	<input type="checkbox"/> THE APPLICATION IS SUBMITTED BY A STATE OR FEDERAL GOVERNMENT ENTITY FOR A DRUG THAT IS NOT DISTRIBUTED COMMERCIALY

8. HAS A WAIVER OF AN APPLICATION FEE BEEN GRANTED FOR THIS APPLICATION? YES NO

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Department of Health and Human Services Food and Drug Administration CBER, HFM-99 1401 Rockville Pike Rockville, MD 20852-1448	Food and Drug Administration CDER, HFD-94 12420 Parklawn Drive, Room 3046 Rockville, MD 20852	An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.
--	--	--

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE 	TITLE Asst. VP R&D Drug Approval Group	DATE 11/30/05
--	--	------------------

9. USER FEE PAYMENT AMOUNT FOR THIS APPLICATION
 \$767,400.00

Form FDA 3397 (12/03)

5 Page(s) Withheld

Trade Secret / Confidential (b4)

Draft Labeling (b4)

Draft Labeling (b5)

Deliberative Process (b5)

b(4)

August 28, 2006

Jean R. Grieve
Assistant Vice President, R&D
Drug Approvals Group
L'OREAL USA PRODUCTS, Inc.
Clark, NJ 07066

SUBJECT: CONSULTATION REGARDING REQUIREMENT FOR TESTING

Dear Ms. Grieve:

Thank you for requesting ~~comment~~ comment on the FDA requirement that L'Oreal conduct studies of a sunscreen product in infants less than 6 months of age. b(4)

Our staff has reviewed the clinical investigator's brochure for ecamsule (Mexoryl[®] SX) dated December 12, 2005, and the results of pediatric safety studies of ~~the product~~ dated December 9, 2005. In addition, we have reviewed current medical literature including the American Academy of Pediatrics' Committee on Environmental Health statement regarding exposure of children to ultraviolet light, published in PEDIATRICS Vol. 104 No. 2 August 1999. b(4)

In order to enroll infants into clinical studies of this sunscreen, the research must meet the regulatory criteria specified in 21 CFR 50 Subpart D, "Additional Safeguards for Children in Clinical Investigations."

Our staff did not feel such research would be allowed under Section 50.51, "Clinical investigations not involving greater than minimal risk," because there is insufficient current knowledge of infant's skin physiology to ascertain that existing studies accurately reflect the risks of topical products in this age-group. Furthermore, we were unable to envision a testing system that would not involve exposure to direct sunlight, a contraindicated activity according to the AAP. In addition, testing modalities such as serial venipunctures and/or studies involving radioisotopes would not comply with the regulatory definition of minimal risk in that they exceed the probability of harm or discomfort encountered in the daily life of infants or performance on them of routine physical examinations or tests.

Section 50.52, "Clinical investigations involving greater than minimal risk, but presenting the prospect of direct benefit to individual subjects," is not applicable as there is no potential benefit to the individual infant. The research represents a challenge to which the child should not ordinarily be exposed and the application of a sunscreen encourages behavior not recommended by the AAP.

b(4)

Likewise Section 50.53, "Clinical investigations involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield generalizable knowledge about the subject's disorder or condition," is not applicable as it requires that the knowledge gained be of "vital importance for the understanding or amelioration of the subjects' disorder or condition." The AAP's position argues strongly against this information being of vital importance and the children are healthy infants without a "disorder or condition."

This leaves Section 50.54 as the only regulation under which such a study of infants might be approved. In this case, the IRB must find that such an investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious health problem affecting the health or welfare of children. If an IRB makes such a finding, the Commissioner of the FDA must then consult a panel of experts and provide an opportunity for public review before allowing the investigation to proceed. Our staff feels it unlikely that an IRB would find a study of sunscreen in infants meets these criteria, and suspects that a panel of experts would agree with the AAP's position paper.

In summary, we are unable to establish a regulatory basis for an IRB to approve a study intended to fulfill the FDA's requirements under the Pediatric Research Equity Act (PREA).

b(4)

Please be aware that this consultation is service provided by _____ staff and does not represent an official action by the _____, nor is it meant to represent any actions the Board may take upon any future review of research.

b(4)

Thank you for asking _____ opinion. I am available at _____ or _____ if you have any questions or comments.

Sincerely,

b(4)

W:\Medical Affairs\Dr. Reese\Ltr -Grieve, J., L'Oreal, Sunscreen & Infants
Delivery by: E-mail
cc: _____

b(4)

b(4)

2 Page(s) Withheld

Trade Secret / Confidential (b4)

Draft Labeling (b4)

Draft Labeling (b5)

Deliberative Process (b5)