DEPARTMENT OF HEALTH & HUMAN SERVICES

ANDA 75-913/S-001; S-002; S-003

Food and Drug Administration
Rockville MD 20857

MAR 22 2004

IMPAX Laboratories, Inc.
Attention: Mark C. Shaw
30831 Huntwood Avenue
Hayward, CA 94544

Dear Sir:

This is in reference to your supplemental abbreviated new drug applications dated January 29, 2004, submitted under Section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), regarding your abbreviated new drug application (ANDA) for Bupropion Hydrochloride Extended-release Tablets USP, 100 mg and 150 mg (Twice-A-Day Dosing).

Reference is made to your amendments dated February 20, and March 2, 2004, and to your correspondence dated March 19, 2004. Reference is also made to our letter dated January 28, 2004, granting final approval to your Bupropion Hydrochloride Extended-release Tablets USP, 100 mg, and designating your Bupropion Hydrochloride Extended-release Tablets USP, 150 mg, as tentatively approved.

The supplemental applications provide for:

S-001: A change in the desiccant used in the container/closure system for the 100 mg tablet strength;

S-002: A change in the desiccant used in the container/closure system and withdrawal of the proposed 500 tablet count package size for the 150 mg tablet strength;

Final approval of your Bupropion Hydrochloride Extended-release Tablets USP, 150 mg; and

S-003: Updated final-printed labeling to include the 150 mg strength.

We have completed the review of these supplemental abbreviated applications and they are approved. Based upon the information you have presented to date, we have concluded that your Bupropion Hydrochloride Extended-release Tablets USP, 150 mg, are safe and effective for use as recommended in the submitted labeling.

The Division of Bioequivalence has determined your Bupropion Hydrochloride Extended-release Tablets USP, 150 mg, (twice-a-day dosing) to be bioequivalent and therapeutically equivalent to the listed drug (Wellbutrin SR® Sustained-Release Tablets, 150 mg, of GlaxoSmithKline). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your application. The "interim" dissolution specifications are as follows:

Dissolution testing should be conducted in 900 mL of water, at 37°C, using USP Apparatus 2 (paddle) at 50 rpm. The test product should meet the following "interim" specifications:

Time (Hours)	% Dissolved
1	(b)(4)
2	
4	
6	

The "interim" dissolution tests and tolerances should be finalized by submitting dissolution data for the first three production size batches. Data should be submitted as a "Special Supplement - Changes Being Effected" when there are no revisions to the "interim" specifications or when the final specifications are tighter than the "interim" specifications. In all other instances, the information should be submitted in the form of a Prior Approval Supplement.

The listed drug product referenced in your supplemental application, Wellbutrin SR® Tablets, 150 mg, of GlaxoSmithKline, is subject to multiple periods of patent protection. The following United States patents and their expiration dates currently appear in the Agency's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations, the "Orange Book":

Patent Number	Expiration Date
5,358,970 (the '970 patent)	August 12, 2013
5,427,798 (the '798 patent)	August 12, 2013
5,731,000 (the '000 patent)	August 12, 2013
5,763,493 (the '493 patent)	August 12, 2013

Your application contains paragraph IV certifications to each of these patents under Section 505(j)(2)(A)(vii)(IV) of the Act stating that none of these patents will be infringed by your manufacture, use, offer for sale, or sale of Bupropion Hydrochloride Extended-release Tablets USP, 150 mg. Section 505(j)(5)(B)(iii) of the Act provides that approval of an ANDA shall be made effective immediately, unless an action is brought against IMPAX Laboratories, Inc. (IMPAX) for infringement of one or more of the patents which were the subjects of the paragraph IV certifications. This action must be brought against IMPAX prior to the expiration of forty-five (45) days from the date the notice you provided under paragraph (2)(B)(i) was received by the patent and NDA holder(s). You have informed the Agency that IMPAX complied with the requirements of Section 505(j)(2)(B) of the Act and that no action for infringement of the '970, '000, or '493 patents was brought against IMPAX within the statutory forty-five day period. You have also informed the agency that with regard to the '798 patent, Glaxo Wellcome, Inc. initiated a patent infringement action against IMPAX in the United States District Court for the Northern District of California (Glaxo Wellcome, Inc. v. IMPAX Laboratories, Inc.), Civil Action No. CA-00-21009. You have also noted that on August 21, 2002, the district court issued an order granting IMPAX's motion for summary judgement of non-infringement, ruling in favor of IMPAX. Furthermore, the Agency recognizes that the 30-month period identified in Section 505(j)(5)(B)(iii) of the Act and associated with Civil Action CA-00-21009 for the '798 patent, during which time the FDA was precluded from approving your application, has expired.

Under Section 506(A) of the Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change can be made.

Post-marketing requirements for this ANDA for Bupropion Hydrochloride Extended-release Tablets USP, 150 mg are set forth in 21 CFR 314.80-81 and 314.98. The Office of

Generic Drugs should be advised of any change in the marketing status of your Bupropion Hydrochloride Extended-release Tablets USP, 150 mg.

We request that you submit, in duplicate, any proposed advertising or promotional copy that you intend to use in your initial advertising or promotional campaigns for the 150 mg strength. Please submit all proposed materials in draft or mock-up form, not final print. Submit both copies together with a copy of the final printed labeling to the Division of Drug Marketing, Advertising, and Communications (HFD-40). Please do not use Form FDA 2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) for this initial submission.

We call your attention to 21 CFR 314.81(b)(3) which requires that materials for any subsequent advertising or promotional campaign be submitted to our Division of Drug Marketing, Advertising, and Communications (HFD-40) with a completed Form FDA 2253 at the time of their initial use.

Sincerely yours,

(b)(6)

Gary Buehler
Director
Office of Generic Drugs
Center for Drug Evaluation and Research