DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville, MD 20857

NDA 21-832

SICOR Pharmaceuticals, Inc.
Attention: Ms. Rosalie A. Lowe
Director, Regulatory Affairs
19 Hughes
Irvine, California 92618

Dear Ms. Lowe:

Please refer to your new drug application dated August 31, 2004, received September 3, 2004, submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (the Act) for Levofloxacin (in 0.9% sodium chloride) Injection, 5 mg/mL.

We acknowledge receipt of your submissions dated:

October 27, 2004
December 6, 2004
February 18, 2005
June 21, 2005
November 23, 2004
January 13, 2005
June 2, 2005

This NDA provides for the use of Levofloxacin (in 0.9% sodium chloride) Injection for the following indications:

- Acute maxillary sinusitis due to *Streptococcus pneumoniae, Haemophilus influenzae,* or *Moraxella catarrhalis*.
- Acute bacterial exacerbation of chronic bronchitis due to *Staphylococcus aureus, Streptococcus pneumoniae, Haemophilus influenzae, Haemophilus parainfluenzae,* or *Moraxella catarrhalis*.
- Community-acquired pneumonia due to *Staphylococcus aureus, Streptococcus pneumoniae* (including multi-drug resistant strains [MDRSP]), *Haemophilus influenzae, Haemophilus parainfluenzae, Klebsiella pneumoniae, Moraxella catarrhalis, Chlamydia pneumoniae, Legionella pneumophila,* or *Mycoplasma pneumoniae*.
- Complicated skin and skin structure infections due to methicillin-susceptible *Staphylococcus aureus, Enterococcus faecalis, Streptococcus pyogenes,* or *Proteus mirabilis*.
- Uncomplicated skin and skin structure infections (mild to moderate) including abscesses, cellulitis, furuncles, impetigo, pyoderma, wound infections, due to *Staphylococcus aureus* or *Streptococcus pyogenes*.

- Complicated urinary tract infections (mild to moderate) due to *Enterococcus faecalis, Enterobacter cloacae, Escherichia coli, Klebsiella pneumoniae, Proteus mirabilis*, or *Pseudomonas aeruginosa*.

- Acute pyelonephritis (mild to moderate) caused by *Escherichia coli*.

- Uncomplicated urinary tract infections (mild to moderate) due to *Escherichia coli, Klebsiella pneumoniae*, or *Staphylococcus saprophyticus*.

We have completed our review of this application, as amended, and based upon the information you have presented to date, we have concluded that the drug is safe and effective for use in the indications above. Although we are unable to approve your application at this time due to patent issues explained below, the application is tentatively approved under 21 CFR 314.105. This determination is based upon information available to the Agency at this time (i.e., information in your application and the status of current good manufacturing practices of the facilities used in manufacturing and testing of the drug product). The determination is subject to change on the basis of new information that may come to our attention.

The listed reference drug product identified in your application, Levaquin® (levofloxacin) Injection, 5 mg/mL and Levaquin® (levofloxacin in 5% dextrose) Injection, 5 mg/mL, of the NDA holder, Ortho-McNeil Pharmaceutical, Inc. and Johnson & Johnson Pharmaceutical Research & Development, LLC, and the patent holder, Daiichi Pharmaceutical Co., Ltd., is subject to a period of patent protection which expires December 20, 2010 (U.S. Patent Number 5053407) (the '407 patent). This patent is listed in the Agency's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book").

The '407 patent was submitted to us for listing in the Orange Book prior to August 18, 2003. With respect to this patent, your application contains a statement under section 505(b)(2)(A)(iv) of the Act indicating that the patent is invalid, unenforceable, or will not be infringed by your manufacture, use or sale of this product under NDA 21-832 (a paragraph IV certification). Under section 505(c)(3)(C) of the Act (21 U.S.C. 355(c)(3)(C)), the approval shall be made effective immediately unless action is brought for infringement of a patent which is the subject of the certification before the expiration of forty-five days from the date the notice provided under section 505(b)(3) of the Act is received. If such an action is brought before the expiration of such days, the approval may be made effective upon the expiration of the thirty-month period beginning on the date of the receipt of the notice provided under section 505(b)(3) or such shorter or longer period as the court may order. On February 18, 2005, you notified the Agency that Ortho-McNeil Pharmaceutical, Inc., Johnson & Johnson Pharmaceutical Research & Development, LLC, and Daiichi Pharmaceutical Co., Ltd., had complied with these requirements and had filed a patent infringement action against you in the United States District Court (b)(4),(b)(5) on December 21, 2004.

Therefore, final approval of this application cannot be granted until:

1. (a) pursuant to section 505(c)(3)(C) of the Act, the expiration of the thirty month period that began November 24, 2005, the date upon which notice of your paragraph IV certification was received, or

   (b) the date the district court or court of appeals, as applicable, decides that the '407 patent is invalid or not infringed (see section 505(b)(3)(C)(i) and (ii) of the Act), or

(c) the patent has expired (see section 505(c)(3)(C)(ii)(II) of the Act), and

2. the Agency is assured there is not any new information that would affect whether final approval should be granted.

To reactivate your application prior to final approval, please submit an amendment 90 days prior to the date you believe that your application will be eligible for final approval. This amendment should provide the legal and regulatory basis for your request for final approval and should also identify changes in the conditions under which the application was tentatively approved, i.e., updated information such as revised draft labeling, chemistry, manufacturing, and controls data as appropriate, and a safety update.

In addition to the amendment requested above, the agency may request at any time prior to the date of final approval that you submit an additional amendment containing the requested information. Failure to submit either or, if requested, both amendments may result in rescission of the tentative approval status of your application, or may result in a delay in the issuance of the final approval letter.

Before we issue a final approval letter, this NDA is not deemed approved.

The introduction or delivery for introduction into interstate commerce of this drug before final approval is prohibited under sections 505(a) and 301 of the Act. Also, until the Agency issues the final approval letter, this drug product will not be deemed to be approved for marketing under 21 U.S.C. 355, and will not be listed in the "Orange Book."

Any significant change in the conditions outlined in this application requires our review before final approval may be granted.

In addition, submit three copies of the introductory promotional materials that you propose to use for this product. Submit all proposed materials in draft or mock-up form, not final print. Send one copy to this division and two copies of both the promotional materials and the package insert directly to:

Division of Drug Marketing, Advertising,
and Communications, HFD-42
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

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. We note that the Pediatric Research Equity Act of 2003 does not apply to this application.

If you have any questions, call Rebecca Saville, Pharm.D., Regulatory Project Manager, at (301) 301-827-2127**.**

Sincerely,

{See appended electronic signature page}

Renata Albrecht, M.D.
Director
Division of Special Pathogen and Transplant Products
Office of Drug Evaluation IV

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

/s/

Renata Albrecht

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