



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration  
Silver Spring MD 20993

NDA 022328

**NDA APPROVAL**

Transcept Pharmaceuticals, Inc.  
1003 W. Cutting Blvd., Suite 110  
Pt. Richmond, CA 94804

Attention: Sharon Sakai, Ph.D.  
Vice President, Regulatory Affairs

Dear Dr. Sakai:

Please refer to your new drug application (NDA) submitted under section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (FDCA) for Intermezzo (zolpidem tartrate) 1.75 mg and 3.5 mg sublingual tablets in the as-needed treatment of middle-of-the-night (MOTN) insomnia.

We acknowledge receipt of your submissions dated September 27, 2011, October 7, 2011, October 27, 2011, October 28, 2011, November 16, 2011, and November 18, 2011.

The September 27, 2011, submission constituted a complete response to our July 14, 2011, action letter. We have completed our review of this application. It is approved, effective on the date of this letter, for use as recommended in the enclosed agreed-upon labeling text.

**CONTENT OF LABELING**

As soon as possible, but no later than 14 days from the date of this letter, submit the content of labeling [21 CFR 314.50(l)] in structured product labeling (SPL) format using the FDA automated drug registration and listing system (eLIST), as described at <http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm>. Content of labeling must be identical to the enclosed labeling (text for the package insert, text for the patient package insert, Medication Guide). Information on submitting SPL files using eLIST may be found in the guidance for industry titled "SPL Standard for Content of Labeling Technical Qs and As" at <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM072392.pdf>.

The SPL will be accessible via publicly available labeling repositories.

## **CARTON AND IMMEDIATE CONTAINER LABELS**

Submit final printed carton and container labels that are identical to the enclosed carton and immediate container labels **and/or** carton and immediate container labels submitted on **November 18, 2011** as soon as they are available, but no more than 30 days after they are printed. Please submit these labels electronically according to the guidance for industry titled “Providing Regulatory Submissions in Electronic Format – Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications (June 2008).” Alternatively, you may submit 12 paper copies, with 6 of the copies individually mounted on heavy-weight paper or similar material. For administrative purposes, designate this submission “**Final Printed Carton and Container Labels for approved NDA 022328.**” Approval of this submission by FDA is not required before the labeling is used.

Marketing the product(s) with FPL that is not identical to the approved labeling text may render the product misbranded and an unapproved new drug.

## **REQUIRED PEDIATRIC ASSESSMENTS**

Under the Pediatric Research Equity Act (PREA) (21 U.S.C. 355c), all applications for new active ingredients, new indications, new dosage forms, new dosing regimens, or new routes of administration are required to contain an assessment of the safety and effectiveness of the product for the claimed indication(s) in pediatric patients unless this requirement is waived, deferred, or inapplicable.

We are waiving the pediatric study requirement for ages 0 - <6 years because necessary studies are impossible or highly impracticable in this age group.

We are deferring submission of your pediatric study for ages 6-17 years for this application because this product is ready for approval for use in adults and the pediatric studies have not been completed.

Your deferred pediatric studies required by section 505B(a) of the FDCA are required postmarketing studies. The status of these postmarketing studies must be reported annually according to 21 CFR 314.81 and section 505B(a)(3)(B) of the FDCA. These required studies are listed below.

**1841.1 A pharmacokinetic dose-ranging, tolerability, and pharmacodynamic study in pediatric patients with insomnia related to attention-deficit/hyperactivity disorder (ADHD) ages 6-17 years.**

Final Protocol Submission: 11/2012  
Study Completion: 5/2016  
Final Report Submission: 11/2016

**1841.2 A phase 3, multi-center, double-blind, placebo-controlled efficacy and safety study in pediatric patients with insomnia related to ADHD, ages 6-17 years.**

Final Protocol Submission: 4/2014  
Study Completion: 4/2017  
Final Report Submission: 10/2017

**1841.3 A phase 3 open-label extension safety study in pediatric patients with insomnia related to ADHD, ages 6-17 years.**

Final Protocol Submission: 4/2014  
Study Completion: 10/2017  
Final Report Submission: 4/2018

Reports of these required pediatric postmarketing studies must be submitted as a new drug application (NDA) or as a supplement to your approved NDA with the proposed labeling changes you believe are warranted based on the data derived from these studies. When submitting the reports, please clearly mark your submission "**SUBMISSION OF REQUIRED PEDIATRIC ASSESSMENTS**" in large font, bolded type at the beginning of the cover letter of the submission.

**POSTMARKETING REQUIREMENTS UNDER 505(o)**

Section 505(o)(3) of the FDCA authorizes FDA to require holders of approved drug and biological product applications to conduct postmarketing studies and clinical trials for certain purposes, if FDA makes certain findings required by the statute.

We have determined that an analysis of spontaneous postmarketing adverse events reported under subsection 505(k)(1) of the FDCA will not be sufficient to assess a known serious risk of patients not being able to follow dosing instructions, resulting in dosing of Intermezzo with insufficient sleep time remaining and leading to high residual morning drug levels.

Furthermore, the new pharmacovigilance system that FDA is required to establish under section 505(k)(3) of the FDCA will not be sufficient to assess this serious risk.

Therefore, based on appropriate scientific data, FDA has determined that you are required to conduct the following:

**1841.4 A study to determine patient compliance with dosing instructions in the setting of actual clinical use. The study should enroll patients representing the clinical population using the drug, and should assess the incidence, nature, causes, and consequences of departures from dosing instructions. The study should include a comparator group that is taking other drugs approved for insomnia characterized by difficulty with sleep maintenance.**

**Submit a draft protocol approximately 12 months prior to the protocol submission date to allow for time to negotiate the details of the protocol.**

The timetable you submitted on November 12, 2011 states that you will conduct this study according to the following schedule:

Draft protocol submission:	4/2012
Final Protocol Submission:	04/2013
Study Completion:	04/2017
Final Report Submission:	12/2017

Submit all clinical protocols to your IND 069209, with a cross-reference letter to this NDA. Submit all final reports to your NDA. Prominently identify the submission with the following wording in bold capital letters at the top of the first page of the submission, as appropriate: **“Required Postmarketing Protocol Under 505(o)”**, **“Required Postmarketing Final Report Under 505(o)”**, **“Required Postmarketing Correspondence Under 505(o)”**.

Section 505(o)(3)(E)(ii) of the FDCA requires you to report periodically on the status of any study or clinical trial required under this section. This section also requires you to periodically report to FDA on the status of any study or clinical trial otherwise undertaken to investigate a safety issue. Section 506B of the FDCA, as well as 21 CFR 314.81(b)(2)(vii) requires you to report annually on the status of any postmarketing commitments or required studies or clinical trials.

FDA will consider the submission of your annual report under section 506B and 21 CFR 314.81(b)(2)(vii) to satisfy the periodic reporting requirement under section 505(o)(3)(E)(ii) provided that you include the elements listed in 505(o) and 21 CFR 314.81(b)(2)(vii). We remind you that to comply with 505(o), your annual report must also include a report on the status of any study or clinical trial otherwise undertaken to investigate a safety issue. Failure to submit an annual report for studies or clinical trials required under 505(o) on the date required will be considered a violation of FDCA section 505(o)(3)(E)(ii) and could result in enforcement action.

### **PROMOTIONAL MATERIALS**

You may request advisory comments on proposed introductory advertising and promotional labeling. To do so, submit, in triplicate, a cover letter requesting advisory comments, the proposed materials in draft or mock-up form with annotated references, and the package insert to:

Food and Drug Administration  
Center for Drug Evaluation and Research  
Office of Prescription Drug Product Promotion  
5901-B Ammendale Road  
Beltsville, MD 20705-1266

As required under 21 CFR 314.81(b)(3)(i), you must submit final promotional materials, and the package insert, at the time of initial dissemination or publication, accompanied by a Form FDA 2253. For instruction on completing the Form FDA 2253, see page 2 of the Form. For more information about submission of promotional materials to the Division of Drug Marketing, Advertising, and Communications (DDMAC), see <http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm090142.htm>.

### **REPORTING REQUIREMENTS**

We remind you that you must comply with reporting requirements for an approved NDA (21 CFR 314.80 and 314.81).

If you have any questions, call Cathleen Michaloski, Sr. Regulatory Project Manager, at (301) 796-1123.

Sincerely,

*{See appended electronic signature page}*

Russell G. Katz, M.D.  
Director  
Division of Neurology Products  
Office of Drug Evaluation I  
Center for Drug Evaluation and Research

### **ENCLOSURE:**

Content of Labeling  
Carton and Container Labeling

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**This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.**  
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/s/  
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RUSSELL G KATZ  
11/23/2011