DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 076747

Teva Pharmaceuticals USA, Inc.
Attention: Jean W. Zwicker
Senior Director, Regulatory Affairs
425 Privet Road
Horsham, PA 19044

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated May 25, 2003, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Rosiglitazone Maleate Tablets, 2 mg (base), 4 mg (base), and 8 mg (base).

Reference is also made to the tentative approval letter issued by this office on December 20, 2004; and to your amendments dated January 28, and October 7, 2010; February 15, February 16, February 24, July 27, September 14, and December 19, 2012; and January 18, 2013. In addition, we acknowledge receipt of your correspondences dated May 21, 2008; July 28, 2010; and February 10, 2012, addressing the patent issues associated with this ANDA.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug is safe and effective for use as recommended in the submitted labeling. Accordingly the ANDA is approved, effective on the date of this letter. The Division of Bioequivalence has determined your Rosiglitazone Maleate Tablets, 2 mg (base), 4 mg (base), and 8 mg (base), to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Avandia Tablets, 2 mg (base), 4 mg (base) and 8 mg (base), respectively, of SB Pharmco Puerto Rico, Inc. (SB Pharmco). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The RLD upon which you have based your ANDA, SB Pharmco's Avandia Tablets, is subject to periods of patent protection. The following unexpired patents and their expiration dates (with pediatric exclusivity added) are currently listed in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book") for this drug product:

U.S. Patent Number	Expiration Date
5,741,803 (the '803 patent)	October 21, 2015
6,288,095 (the '095 patent)	August 11, 2017
7,358,366 (the '366 patent)	October 19, 2020

With respect to each of these patents, your ANDA contains a paragraph IV certification under section 505(j)(2)(A)(vii)(IV) of the Act stating that the patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Rosiglitazone Maleate Tablets, 2 mg (base), 4 mg (base), and 8 mg (base), under this ANDA. You have notified the agency that Teva complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation was initiated against Teva for infringement of the '803 patent within the statutory 45-day period in the United States District Court for the District of New Jersey [SmithKline Beecham PLC, et al. v. Teva Pharmaceuticals USA, Inc., Civil Action No. 03-4037]. You have also notified the agency that the litigation was dismissed.

With respect to 180-day generic drug exclusivity, we note that Teva was a first ANDA applicant to submit a substantially complete ANDA with paragraph IV certifications to the '803 and '095 patents, and was the first applicant to submit a paragraph IV certification to the '366 patent, which was not listed until May 2008. Therefore, with this approval, Teva is eligible for 180 days of generic drug exclusivity for Rosiglitazone Maleate Tablets, 2 mg (base), 4 mg (base), and 8 mg (base). This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the earlier of the commercial marketing or court decision dates identified in section 505(j)(5)(B)(iv).[1] Please submit correspondence to this ANDA informing the agency of the date the exclusivity begins to run.

[1] Because your ANDA was filed before the date of enactment of the Medicare Prescription Drug, Improvement and Modernization Act (MMA) (Public Law 108-173) on December 8, 2003, this reference to the 180-day exclusivity provision is to the section of the Act as in effect prior to December 8, 2003. See MMA § 1102(b)(1).

Under section 506A of the Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change may be made. Postmarketing reporting requirements for this ANDA 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 this drug.

RISK EVALUATION AND MITIGATION STRATEGY REQUIREMENTS

Section 505-1 of the Act authorizes FDA to require the submission of a risk evaluation and mitigation strategy (REMS), if FDA becomes aware of new safety information and makes a determination that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks [section 505-1(a)]. The details of the REMS requirements were outlined in our REMS notification letter dated February 13, 2012.

Your proposed REMS, submitted February 16 and amended on July 27 and December 19, 2012, January 18, 2012, and appended to this letter, is approved.

The REMS consists of a Medication Guide, elements to assure safe use, and an implementation system.

This REMS will use a single shared system for the elements to assure safe use and implementation system in the approved REMS. This single shared system, known as the Rosliglitazone REMS Program, currently includes the following products:

NDA 021071	Avandia (rosiglitazone maleate)
NDA 021410	Avandamet (rosiglitazone maleate and metformin hydrochloride)
NDA 021700	Avandaryl (rosigltiazone maleate and glimepiride)
ANDA 076747	Rosiglitazone Maleate

Other products may be added in the future if additional NDAs or ANDAs are approved.

Under section 505-1(g)(2)(C) and (D), FDA can require the submission of a REMS assessment if FDA determines that new safety or effectiveness information indicates that a REMS element should be modified or included in the strategy, or if FDA determines that there may be a cause for action by FDA under section 505(e).

Prominently identify the submission containing a proposed modification of the REMS or any REMS assessments with the following wording in bold capital letters at the top of the first page of the submission:

NEW SUPPLEMENT FOR ANDA 076747
PROPOSED REMS MODIFICATION
REMS ASSESSMENT

Promotional materials may be submitted to FDA for comment prior to publication or dissemination. Please note that these submissions are voluntary. If you desire comments on proposed launch promotional materials with respect to compliance with applicable regulatory requirements, we recommend you submit, in draft or mock-up form, two copies of both the promotional materials and package insert directly to:

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

We call your attention to 21 CFR 314.81(b)(3) which requires that all promotional materials be submitted to the Office of Prescription Drug Promotion with a completed Form FDA 2253 at the time of their initial use.

As soon as possible, but no later than 14 days from the date of this letter, submit, using the FDA automated drug registration and listing system (eLIST), the content of labeling [21 CFR 314.50(l)] in structured product labeling (SPL) format, as described at http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm, that is identical in content to the approved labeling (including the package insert, and any patient package insert and/or Medication Guide that may be required). 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/DrugsGuidanceComplianceRegulatoryInformation/Guidances/UCM072392.pdf.

The SPL will be accessible via publicly available labeling repositories.

Sincerely yours,

{See appended electronic signature page}

Gregory P. Geba, M.D., M.P.H.
Director
Office of Generic Drugs
Center for Drug Evaluation and Research

Attachment: REMS

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

/s/

ROBERT L WEST

01/25/2013

Deputy Director, Office of Generic Drugs, for
Gregory P. Geba, M.D., M.P.H.