



ANDA 077571

Caraco Pharmaceutical Laboratories, Ltd.
Attention: Robert Kurkiewicz
Senior V.P., Regulatory Affairs
1150 Elijah McCoy Drive
Detroit, MI 48202

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) received on February 10, 2005, and submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Repaglinide Tablets USP, 1 mg and 2 mg.

Reference is also made to the tentative approval letter issued by this office dated August 10, 2007, and to your amendments dated October 16, 2007; April 2, and December 15, 2008; March 24 (two submissions), July 14 (two submissions), August 10, October 13, and October 26, 2009; September 20, 2010; November 1, 2012; and February 21, 2013. We also acknowledge receipt of your correspondences dated May 29, 2009; May 26, July 9, August 23, 2010; and October 20, 2011, addressing the patent issues noted below.

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 Repaglinide Tablets USP, 1 mg and 2 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Prandin Tablets, 1 mg and 2 mg, of Novo Nordisk, Inc. (Novo). 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, Novo's Prandin Tablets, 1 mg and 2 mg, is subject to a period of patent protection. As noted in the agency's publication titled

Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"), U.S. Patent No. 6,677,358 (the '358 patent) is scheduled to expire on June 12, 2018.

Your ANDA contains a paragraph IV certifications under section 505(j)(2)(A)(vii)(IV) of the Act stating that the '358 patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Repaglinide Tablets USP, 1 mg and 2 mg, under this ANDA.¹ You have notified the agency that Caraco Pharmaceutical Laboratories, Ltd. (Caraco) complied with the requirements of section 505(j)(2)(B) of the Act, and litigation for infringement of the '358 patent was brought against Caraco within the statutory 45-day timeframe in the U.S. Eastern Dist. of Michigan [Novo Nordisk Pharmaceuticals Inc. v. Caraco Pharmaceuticals, Ltd., Civ. Action No. 05-40188]. Caraco ultimately prevailed in this litigation. *Caraco Pharm. Labs., Ltd. v. Novo Nordisk A/S*, 132 S. Ct. 1670 (2012); *Novo Nordisk A/S v. Caraco Pharm. Labs., Ltd.*, 688 F.3d 766 (Fed. Cir. 2012); *Novo Nordisk A/S v. Caraco Pharm. Labs*, No. 11-1223, 2013 U.S. App. LEXIS 12251 (Fed. Cir. June 18, 2013).

With respect to 180-day generic drug exclusivity, we note that Caraco was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification to the '358 patent. Therefore, with this approval, Caraco is eligible for 180 days of generic drug exclusivity for Repaglinide Tablets USP, 1 mg and 2 mg. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the commercial marketing identified in section 505(j)(5)(B)(iv). Please submit correspondence to this ANDA informing the agency of the date the exclusivity begins to run.

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.

We note that if FDA requires a Risk Evaluation & Mitigation Strategy (REMS) for a listed drug, an ANDA citing that listed drug also will be required to have a REMS. See section 505-1(i) of the Act.

Postmarketing reporting requirements for this ANDA are set forth in 21 CFR 314.80-81 and 314.98. The Office of Generic Drugs

¹ You have revised your certification for the '358 patent to include a statement under section 505(j)(2)(A)(viii) of the Act that a claim of the patent is a method of use claim that does not claim any indication for which you are seeking approval.

should be advised of any change in the marketing status of this drug.

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 Amundson 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 Division of Drug Marketing, Advertising, and Communications with a completed Form FDA 2253 at the time of their initial use.

The Generic Drug User Fee Amendments of 2012 (GDUFA) (Public Law 112-144, Title III) established certain provisions with respect to self-identification of facilities and payment of annual facility fees. Your ANDA identifies at least one facility that is subject to the self identification requirement and payment of an annual facility fee. Self-identification must occur by June 1 of each year for the next fiscal year. Facility fees must be paid each year by the date specified in the Federal Register notice announcing facility fee amounts. All finished dose form (FDFs) or active pharmaceutical ingredient (APIs) manufactured in a facility that has not met its obligations to self-identify or to pay fees when they are due will be deemed misbranded. This means that it will be a violation of federal law to ship these products in interstate commerce or to import them into the United States. Such violations can result in prosecution of those responsible, injunctions, or seizures of misbranded products. Products misbranded because of failure to self-identify or pay facility fees are subject to being denied entry into the United States.

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}

Kathleen Uhl, M.D.
Acting Director
Office of Generic Drugs
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/

ROBERT L WEST

07/11/2013

Deputy Director, Office of Generic Drugs, for
Kathleen Uhl, M.D.