



ANDA 090694

Lupin Pharmaceuticals, Inc.  
U.S. Agent for: Lupin Limited  
Attention: Leslie Sands  
Director, Regulatory Affairs  
Harborplace Tower  
111 South Calvert Street, 21<sup>st</sup> Floor  
Baltimore, MD 21202

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) received on August 4, 2008, and submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Duloxetine Delayed-release Capsules USP, 20 mg, 30 mg, 40 mg and 60 mg.

Reference is also made to the tentative approval and to the complete response letters issued by this office on December 8, 2011 and November 5, 2013, respectively, and to your amendment dated November 11, 2013.

Reference is also made to the ANDA suitability petition (Docket No. FDA-2010-P-0535) submitted on October 4, 2010, under section 505(j)(2)(c) of the Act, and approved on April 18, 2012. This petition requested the agency to make a determination that Duloxetine Delayed-release Capsules USP, 40 mg, was suitable for filing as an ANDA. This determination was necessary because Duloxetine Delayed-release Capsules USP, 40 mg, proposed in your ANDA, differs from the 20 mg, 30 mg and 60 mg approved strengths of the reference listed drug. The agency determined that the change in capsule strength you have requested is the type of change that is authorized under the Act.

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 Duloxetine Delayed-release Capsules USP, 20 mg, 30 mg, and 60 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Cymbalta Delayed-release Capsules, 20 mg, 30 mg and 60 mg, respectively, of Eli Lilly & Company (Lilly). In addition, your Duloxetine Delayed-release Capsules USP, 40 mg, can be expected to have the same therapeutic effect as that of the listed drug product upon which the agency relied as the basis of safety and effectiveness.

Your dissolution testing for each strength 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:

Apparatus:	USP Apparatus I (basket)
Rotation speed:	100 rpm
Acid Stage:	0.1N HCl
Buffer Stage:	pH 6.8 Phosphate Buffer
Volume:	1000 mL

The drug product should meet the following "interim" specifications:

Acid Stage: No individual value exceeds (b) (4) release in 2 hours.

Buffer Stage: NLT (b) (4) (Q) in 60 minutes.

The "interim" dissolution test(s) and tolerances should be finalized by submitting dissolution data from the first three production size batches. These data should be submitted as a "Special Supplement - Changes Being Effected" if there are no revisions to be made to the "interim" specifications, or if 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 RLD upon which you have based your ANDA, Lilly's Cymbalta Delayed-release Capsules, is subject to periods of unexpired patent protection. As noted in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"), U.S. Patent Nos. 5,508,276 (the '276 patent) and 6,596,756 (the '756 patent) are scheduled to expire (with pediatric exclusivity added) on January 18, 2015, and March 10, 2020, respectively.

With respect to the '276 patent, your ANDA contains paragraph IV certifications 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 Duloxetine Delayed-release Capsules USP, 20 mg, 30 mg, 40 mg, and 60 mg, under this ANDA. You have notified the agency that Lupin Limited (Lupin) complied with the requirements of section 505(j)(2)(B) of the Act, and that no action for infringement was brought against Lupin within the statutory 45-day period.

With respect to the '756 patent, your ANDA contains a statement under section 505(j)(2)(A)(viii) of the Act that this is a method of use patent that does not claim any indication for which you are seeking approval under your ANDA.

With respect to 180-day generic drug exclusivity, we note that Lupin was the first applicant, with respect to the 40 mg strength, to submit a substantially complete ANDA with a paragraph IV certification to the '276 patent. Lupin is therefore eligible for 180 days of generic drug exclusivity for Duloxetine Delayed-release Capsules USP, 40 mg. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the date of the commercial marketing by 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.

Please 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 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(s) 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.

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 dosage forms (FDFs) or active pharmaceutical ingredients (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

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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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ROBERT L WEST

12/11/2013

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