



ANDA 201573

Anchen Pharmaceuticals, Inc.
Attention: David Quiggle
Director, Regulatory Affairs
9601 Jeronimo Road
Irvine, CA 92618

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated February 18, 2010, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Fenofibric Acid Delayed Release Capsules, 45 mg and 135 mg.

Reference is also made to your amendments dated March 4, April 29, May 20, and October 21, 2010; January 11, July 14, and July 29, 2011; January 17, February 3, and February 17, 2012; and May 8, June 5, and July 5, 2013. We also acknowledge receipt of your correspondences dated July 30, and November 18, 2010, and January 10, 2013 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 Fenofibric Acid Delayed Release Capsules, 45 mg and 135 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Trilipix Delayed Release Capsules, 45 mg and 135 mg, respectively, of AbbVie Inc. (AbbVie).

Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA. The “interim” dissolution specifications are as follows:

Dissolution Testing should be conducted in:

Apparatus:	II (Paddle)
Speed of Rotation:	50 rpm
Medium:	Acid Stage: 0.05M sodium phosphate buffer, pH 3.5 Buffer Stage: Sodium phosphate buffer, pH 6.8

Volume:	Acid Stage: 500 mL Buffer Stage: 900 mL (by adding 400 ml of concentrated Sodium Phosphate solution).
Temperature:	37°C ± 0.5°C
Continuous Sampling times:	Acid Stage: 2 hrs Buffer Stage: 2.5, 3.5, 4, 5, 6, 8, & 10 hrs
FDA-recommended specifications	Acid stage: 2 hrs NMT (b) (4) Buffer stage: 2.5 hr: NMT (b) (4) 3.5 hrs: (b) (4) ; 6 hrs: NLT (b) (4)

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, AbbVie’s Trilipix Delayed Release Capsules, 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. 7,259,186 (the '186 patent), is scheduled to expire on January 7, 2025.

Your ANDA contains a paragraph IV certification under section 505(j)(2)(A)(vii)(IV) of the Act stating that the '186 patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Fenofibric Acid Delayed Release Capsules, 45 mg and 135 mg, under this ANDA. You have notified the agency that Anchen Pharmaceuticals, Inc. (Anchen) complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation was initiated against Anchen for infringement of the '186 patent within the statutory 45-day period in the United States District Court for the District of New Jersey [Abbott Laboratories and Fournier Laboratories Ireland Ltd. v. Anchen Pharmaceuticals, Inc. , Civil Action No. 2:10-cv-03015-DMC-JAD]. You have also notified the agency that the case has been dismissed.

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 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

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

07/18/2013

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