



ANDA 091612

Teva Pharmaceuticals USA
Attention: Rich Leone
Senior Director, Regulatory Affairs, U.S. Generics
425 Privet Road
Horsham, PA 19044

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated July 1, 2009, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Tenofovir Disoproxil Fumarate Tablets, 300 mg.

Reference is also made to the tentative approval and Complete Response letters issued by this office on December 23, 2011, and September 25, 2014, respectively, and to your amendments dated October 1 and November 19, 2014.

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 Tenofovir Disoproxil Fumarate Tablets, 300 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Viread Tablets, 300 mg of Gilead Sciences, Inc. (Gilead). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The reference listed drug (RLD) upon which you have based your ANDA, Gilead's Viread Tablets, 300 mg, is subject to periods of patent protection. The following patents and 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"):

<u>U.S. Patent Number</u>	<u>Expiration Date</u>
5,922,695 (the '695 patent)	January 25, 2018
5,935,946 (the '946 patent)	January 25, 2018
5,977,089 (the '089 patent)	January 25, 2018
6,043,230 (the '230 patent)	January 25, 2018

With respect to those parts of the '695, '946, '089 and '230 patents not pertaining to methods of use corresponding to Orange Book use codes U-999 and U-1275 ("Treatment of chronic hepatitis B in adult patients" and "Treatment of chronic hepatitis B in adults and pediatric

patients 12 years of age and older,” respectively), your ANDA contains paragraph IV certifications under section 505(j)(2)(A)(vii)(IV) of the Act stating that each of these patents is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Tenofovir Disoproxil Fumarate Tablets, 300 mg under this ANDA. You have notified the agency that Teva Pharmaceuticals USA (Teva) complied with the requirements of section 505(j)(2)(B) of the Act, and that within the statutory 45-day period litigation was initiated against Teva for infringement of each of these patents in the United States District Court for the Southern District of New York [Gilead Sciences, Inc. v. Teva Pharmaceuticals USA, Inc, et al., Civil Action No. 10-cv-1796]. You have also notified the agency that the case was dismissed.

With respect to those parts of the ‘695, ‘946, ‘089 and ‘230 patents pertaining to methods of use corresponding to Orange Book use codes U-999 and U-1275, your ANDA contains a statement under section 505(j)(2)(A)(viii) of the Act that each of these is a method of use patent that does not claim an indication for which you are seeking approval under your ANDA.

With respect to 180-day generic drug exclusivity, Teva was the first ANDA applicant for Tenofovir Disoproxil Fumarate Tablets, 300 mg, to submit a substantially complete ANDA with one or more paragraph IV certifications. Therefore, with this approval, Teva is eligible for 180 days of generic drug exclusivity for Tenofovir Disoproxil Fumarate Tablets, 300 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 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.

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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,

**William P.
Rickman -S**

Carol A. Holquist, RPh
Acting Deputy Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research

Digitally signed by William P. Rickman -S
DN: c=US, o=U.S. Government, ou=HHS, ou=FDA,
ou=People, 0.9.2342.19200300.100.1.1=1300043242,
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