



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Silver Spring, MD 20993

ANDA 206163

**ANDA APPROVAL**

Fera Pharmaceuticals, LLC  
134 Birch Hill Road  
Locust Valley, NY 11560  
Attention: John D'Angelo  
Vice President, Regulatory Affairs

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), for Levothyroxine Sodium for Injection, 100 mcg/vial and 500 mcg/vial.

Reference is made to the complete response issued by this office on September 25, 2014, and to your amendments dated September 23, 2015 and April 27, 2016.

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 Office of Bioequivalence has determined your Levothyroxine Sodium for Injection, 100 mcg/vial and 500 mcg/vial, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Levothyroxine Sodium for Injection of Fresenius Kabi USA LLC (Fresenius).

The RLD upon which you have based your ANDA, Fresenius's Levothyroxine Sodium for Injection, 100 mcg/vial and 500 mcg/vial, is subject to periods of patent protection. The following patents and expiration dates 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>
9,006,289 (the '289 patent)	October 3, 2032
9,168,238 (the '238 patent)	August 29, 2032
9,168,239 (the '239 patent)	August 29, 2032

Your ANDA contains paragraph IV certifications to each of the patents<sup>1</sup> under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patents are invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Levothyroxine Sodium for Injection, 100 mcg/vial and 500 mcg/vial, under this ANDA. You have notified the agency that Fera

<sup>1</sup> The agency notes that the '289, '238, and '239 patents were submitted to the agency after submission of your ANDA. Litigation, if any, with respect to these patents would not create a statutory stay of approval.

Pharmaceuticals, LLC (Fera) complied with the requirements of section 505(j)(2)(B) of the FD&C Act, and that litigation was initiated against Fera for infringement of the '289 patent in the United States District Court for the District of New Jersey [Fresenius Kabi USA, LLC v. Fera Pharmaceuticals, LLC, Civil Action No. 2:15-cv-03654-KM-MAH]. You have further notified the agency that the litigation remains pending.

With respect to 180-day generic drug exclusivity, we note that Fera was the first ANDA applicant for Levothyroxine Sodium for Injection, 100 mcg/vial and 500 mcg/vial, to submit a substantially complete ANDA with a paragraph certification. Therefore, with this approval, Fera is eligible for 180 days of generic drug exclusivity for Levothyroxine Sodium for Injection, 100 mcg/vial and 500 mcg/vial. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the FD&C 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 FD&C 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 FD&C 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,

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



Carol  
Holquist

Digitally signed by Carol Holquist  
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