



ANDA 202939

**ANDA APPROVAL**

Davidson, Davidson & Kappel, LLC  
U.S. Agent for IntelliPharmaCeutics Corp.  
589 8th Avenue, 16th Floor  
New York, NY 10018  
Attention: Clifford M. Davidson

Dear Sir:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on February 24, 2011, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Quetiapine Fumarate Extended-Release Tablets, 50 mg, 150 mg, 200 mg, 300 mg, and 400 mg.

Reference is also made to the tentative approval letter issued by this office on October 7, 2016, and to your amendments received on February 1, February 14, March 23, March 29, and May 8, 2017.

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 Quetiapine Fumarate Extended-Release Tablets, 50 mg, 150 mg, 200 mg, 300 mg, and 400 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Seroquel XR Tablets, 50 mg, 150 mg, 200 mg, 300 mg, and 400 mg of AstraZeneca Pharmaceuticals LP (AstraZeneca). Your dissolution testing should be incorporated into the stability and quality control program using the FDA-recommended method and specification for your application (see enclosure).

The RLD upon which you have based your ANDA, AstraZeneca's Seroquel XR Tablets, 50 mg, 150 mg, 200 mg, 300 mg, and 400 mg, is subject to a period of patent protection. The following patent and expiration date (with pediatric exclusivity added) is 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>
5,948,437 (the '437 patent)	November 28, 2017

Your ANDA contains a paragraph IV certification to the '437 patent under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Quetiapine Fumarate Extended-Release Tablets, 50 mg, 150mg, 200 mg, 300 mg, and 400 mg, under this ANDA. You have notified the Agency that IntelliPharmaCeutics Corporation (IntelliPharmaCeutics) complied with the requirements of section 505(j)(2)(B) of the FD&C Act and that litigation was initiated within the statutory 45-day period against IntelliPharmaCeutics for infringement of the '437 patent in the

United States District Court for the District of New Jersey [AstraZeneca Pharmaceuticals LP and AstraZeneca UK Limited v. IntelliPharmaCeutics Corporation, Civil Action No. 11-2973] and the United States District Court for the Southern District of New York [AstraZeneca Pharmaceuticals LP and AstraZeneca UK Limited v. IntelliPharmaCeutics Corporation and IntelliPharmaCeutics International Inc., Civil Action Nos. 11-4498 and 12-2855]. You have also notified the Agency that these cases were dismissed.

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 and 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.

### **REPORTING REQUIREMENTS**

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**

You may request advisory comments on proposed introductory advertising and promotional labeling materials prior to publication or dissemination. Please note that these submissions are voluntary. To do so, submit, in triplicate, a cover letter requesting advisory comments, the proposed materials in draft or mock-up form with annotated references, and the package insert (PI), Medication Guide, and patient PI (as applicable) to:

OPDP Regulatory Project Manager  
Food and Drug Administration  
Center for Drug Evaluation and Research  
Office of Prescription Drug Promotion  
5901-B Ammendale Road  
Beltsville, MD 20705

Alternatively, you may submit a request for advisory comments electronically in eCTD format. For more information about submitting promotional materials in eCTD format, see the draft Guidance for Industry (available at:

<http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM443702.pdf>).

You must also submit final promotional materials and package insert(s), accompanied by a Form FDA 2253, at the time of initial dissemination or publication [21 CFR 314.81(b)(3)(i)]. Form FDA 2253 is available at

<http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM083570.pdf>.

Information and Instructions for completing the form can be found at

<http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM375154.pdf>. For more information about submission of promotional materials to the Office of Prescription Drug Promotion (OPDP), see <http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm090142.htm>.

## **ANNUAL FACILITY FEES**

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<sup>st</sup> 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.

## **CONTENT OF LABELING**

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.

The Electronic Common Technical Document (eCTD) is CDER’s standard format for electronic regulatory submissions. Beginning May 5, 2017, ANDAs must be submitted in eCTD format and beginning May 5, 2018, drug master files must be submitted in eCTD format. Submissions that do not adhere to the requirements stated in the eCTD Guidance will be subject to rejection. For more information please visit: [www.fda.gov/ectd](http://www.fda.gov/ectd).

Sincerely yours,

*{See appended electronic signature page}*

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

ENCLOSURE:

DISSOLUTION

The “interim” dissolution specifications are as follows:

Dissolution Testing should be conducted in 900 mL of water at 37°C ± 0.5°C using USP apparatus 2 (paddle) at 100 rpm. The test product should meet the following specifications:

Strength	Collection times, hours			
	1	4	8	16
50 mg	NMT <sup>(b) (4)</sup> 0%	<sup>(b) (4)</sup> 0%	<sup>(b) (4)</sup> 0%	NLT <sup>(b) (4)</sup> 0%
150 mg	NMT 0%	0%	0%	NLT 0%
200 mg	NMT 0%	0%	0%	NLT 0%
300 mg	NMT 0%	0%	0%	NLT 0%
400 mg	NMT 0%	0%	0%	NLT 0%

The “interim” dissolution test(s) and tolerances should be finalized by submitting dissolution data for the first three production size batches. Data should be submitted as a Supplement – Changes Being Effected when there are no revisions to the “interim” specifications or when the final specifications are more stringent than the “interim” specifications. In all other instances, the information should be submitted in a Prior Approval Supplement.



Carol  
Holquist

Digitally signed by Carol Holquist  
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