



ANDA 207188

**ANDA APPROVAL**

Princeton Pharmaceutical Inc.  
2002 Eastpark Blvd.  
Cranbury, NJ 08512  
Attention: Lijie Wang  
Vice President, Regulatory Affairs

Dear Madam:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on April 7, 2014, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Paroxetine Capsules, 7.5 mg.

Reference is also made to the complete response letter issued by this office on May 5, 2016, and to any amendments thereafter.

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 Paroxetine Capsules, 7.5 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Brisdelle Capsules, 7.5 mg, of Sebela Ireland Limited (Sebela).

The RLD upon which you have based your ANDA, Sebela's Brisdelle Capsules, 7.5 mg, 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>
8,946,251 (the '251 patent)	August 4, 2026
7,598,271 (the '271 patent)	May 4, 2025
8,658,663 (the '663 patent)	April 6, 2029
9,393,237 (the '237 patent)	August 4, 2026

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 Paroxetine Capsules, 7.5 mg, under this ANDA. You have notified the Agency that Princeton Pharmaceutical Inc. (Princeton) 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 Princeton for infringement of the '271 and '663 patents in the United States District Court for the District of New Jersey [Sebela International Limited v. Princeton Pharmaceutical Inc., Solco Healthcare U.S. LLC., and Huahai U.S. Inc., Civil Action No. 14-6414 (consolidated)] and for infringement of the '237 patent [Sebela International Limited, Sebela Ireland Limited, and Sebela Pharmaceuticals Inc. v. Princeton Pharmaceutical Inc., Solco Healthcare U.S. LLC., and Huahai U.S. Inc., Civil Action No. 17-4964].<sup>2</sup> You have also notified the Agency that on June 9, 2017, the court issued a decision that a finding of non-infringement shall issue as to the '271 patent and a finding of invalidity shall issue as to the '251 and '663 patents, although no final judgment has been entered by the court at the time of this letter. In addition, the claim regarding invalidity of the '271 patent was not resolved at the time of the court's decision. However, the 30-month period identified in section 505(j)(5)(B)(iii) of the FD&C Act, during which FDA was precluded from approving your ANDA, has expired.

With respect to 180-day generic drug exclusivity, we note that Princeton was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Paroxetine Capsules, 7.5 mg. As a first applicant, Princeton was eligible for 180 days of generic drug exclusivity. The Agency has determined, however, that Princeton has forfeited its eligibility for 180-day exclusivity because Princeton failed to obtain tentative approval within 30 months after the date on which the ANDA was filed.<sup>3</sup> See section 505(j)(5)(D)(i)(IV) of the FD&C Act.

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.

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<sup>1</sup> The Agency notes that the '251 and '237 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.

<sup>2</sup> We note that Princeton also initiated litigation seeking a declaratory judgment of non-infringement and invalidity of the '251 patent [Princeton Pharm., Inc. v. Noven Therapeutics, LLC, Civil Action No. 15-5308]. This action subsequently was consolidated with Civil Action No. 14-6414.

<sup>3</sup> Princeton's ANDA was received on April 7, 2014. ANDA 207188 was never tentatively approved. The Agency finds that Princeton's failure to obtain tentative approval within 30 months was not caused by a change in or review of the requirements for approval, nor was a related citizen petition submitted that was subject to section 505(q) of the FD&C Act.

## **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}*

For Vincent Sansone, PharmD  
Acting Deputy Director  
Office of Regulatory Operations  
Office of Generic Drugs  
Center for Drug Evaluation and Research



Priya  
Shah

Digitally signed by Priya Shah  
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