



ANDA 216947

ANDA APPROVAL

Aurobindo Pharma USA, Inc.
U.S. Agent for Aurobindo Pharma Limited
279 Princeton-Hightstown Road
East Windsor, NJ 08520
Attention: Blessy Johns
Authorized U.S. Agent

Dear Blessy Johns:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on December 20, 2021, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Ertugliflozin Tablets, 5 mg and 15 mg.

Reference is also made to the complete response letter issued by this office on October 13, 2022, 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 meets the requirements for approval under the FD&C Act. Accordingly the ANDA is **approved**, effective on the date of this letter. We have determined your Ertugliflozin Tablets, 5 mg and 15 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Steglatro Tablets, 5 mg and 15 mg, of Merck Sharp & Dohme LLC (Merck).

The RLD upon which you have based your ANDA, Merck's Steglatro Tablets, 5 mg and 15 mg, is subject to a period of patent protection. The following patent and expiration date 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>
8,080,580 (the '580 patent)	July 13, 2030

Your ANDA contains a paragraph IV certification to the '580 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 Ertugliflozin Tablets, 5 mg and 15 mg, under this ANDA. You have notified the Agency that Aurobindo Pharma Limited (Aurobindo) complied with the requirements of section 505(j)(2)(B) of the FD&C Act. Litigation was initiated within the statutory 45-day period against Aurobindo for infringement of the '580 patent in the United States District Court for the

District of Delaware [Merck Sharp & Dohme Corp., MSD International Business GMBH, MSD International GMBH, Pfizer Inc., and PF Prism IMB B.V. v. Aurobindo Pharma Limited and Aurobindo Pharma USA, Inc., Civil Action No. 22-00377]. You have also notified the Agency that this case was dismissed.

With respect to 180-day generic drug exclusivity, we note that Aurobindo was one of the first ANDA applicants to submit a substantially complete ANDA with a paragraph IV certification for Ertugliflozin Tablets, 5 mg and 15 mg. Therefore, with this approval, Aurobindo is eligible for 180 days of shared generic drug exclusivity for Ertugliflozin Tablets, 5 mg and 15 mg. FDA notes that after issuance of this approval letter, eligibility for 180-day exclusivity is subject to future events that may result in forfeiture of exclusivity under section 505(j)(5)(D) of the FD&C Act. 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 notifying the Agency within 30 days of the date of the first commercial marketing of this drug product or the RLD. If you do not notify the Agency within 30 days, the date of first commercial marketing will be deemed to be the date of the drug product's approval. See 21 CFR 314.107(c)(2).

Please note that if FDA requires a Risk Evaluation and Mitigation Strategy (REMS) for a listed drug, an ANDA referencing that listed drug also will be required to have a REMS. See section 505-1(i) of the FD&C Act.

COMPENDIAL STANDARDS

A drug with a name recognized in the official United States Pharmacopeia or official National Formulary (USP-NF) generally must comply with the compendial standard for strength, quality, and purity, unless the difference in strength, quality, or purity is plainly stated on its label (see FD&C Act § 501(b), 21 USC 351(b)). FDA typically cannot share application-specific information contained in submitted regulatory filings with third parties, which includes USP-NF. To help ensure that a drug continues to comply with compendial standards, application holders may work directly with USP-NF to revise official USP monographs. More information on the USP-NF is available on USP's website as <https://www.uspnf.com/>.

REQUIREMENTS AND RECOMMENDATIONS POST APPROVAL

Under applicable statutes, regulations, and guidances, your ANDA may be subject to certain requirements and recommendations post approval, including requirements regarding changes to approved ANDAs, postmarketing reporting, promotional materials, and annual facility fees, among others. For information on post-approval requirements and recommendations for ANDAs and a list of resources for ANDA holders, we refer you to <https://www.fda.gov/drugs/abbreviated-new-drug-application-anda/requirements-and-resources-approved-andas>.

Sincerely yours,

{See appended electronic signature page}

For Edward M. Sherwood
Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research