ANDA 216795

ANDA APPROVAL

Encube Ethicals, Inc.
U.S. Agent for Encube Ethicals Private Limited
200 Meredith Drive, Suite 202
Durham, NC 27713
Attention: Dipti Kamani

Dear Dipti Kamani:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on March 30, 2022, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Metronidazole Vaginal Gel, 1.3%.

Your product is a combination product as defined by 21 CFR 3.2(e) and is comprised of drug and device constituent parts.

Reference is also made to the complete response letter issued by this office on November 22, 2023, 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 Metronidazole Vaginal Gel, 1.3% to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Nuvessa Vaginal Gel, 1.3%, of Chemo Research, S.L. (Chemo).

The RLD upon which you have based your ANDA, Chemo's Nuvessa Vaginal Gel, 1.3%, 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.S. Patent Number	Expiration Date
7,893,097 (the '097 patent)	February 19, 2028
8,658,678 (the '678 patent)	June 27, 2028
8,877,792 (the '792 patent)	February 2, 2028
8,946,276 (the '276 patent)	June 28, 2032

9,198,858 (the '858 patent)	June 28, 2032
10,238,634 (the '634 patent)	June 28, 2032
10,596,155 (the '155 patent)	June 28, 2032

Your ANDA contains paragraph IV certifications to each of the patents 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 Metronidazole Vaginal Gel, 1.3%, under this ANDA. You have notified the Agency that Encube Ethicals Private Limited (Encube) 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 Encube for infringement of the '097, '678', '792, '276, '858, '634, and '155 patents in the United States District Court for the District of Delaware [Chemo Research SL and Bausch Health Ireland, Ltd., v. Encube Ethicals Private, Ltd., Civil Action No. 22-00854]. You have also notified the Agency that this case was dismissed.

With respect to 180-day generic drug exclusivity, we note that Encube was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Metronidazole Vaginal Gel, 1.3%. Therefore, with this approval, Encube is eligible for 180 days of generic drug exclusivity for Metronidazole Vaginal Gel, 1.3%. 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, begins 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

Paul
Levine

Digitally signed by Paul Levine
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