



ANDA 216899

ANDA APPROVAL

Hikma Pharmaceuticals USA, Inc.
2 Esterbrook Lane
Cherry Hill, NJ 08003
Attention: Amy Schutte
Senior Director, Regulatory Affairs

Dear Amy Schutte:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on December 13, 2022, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Hydromorphone Hydrochloride Injection USP, 0.2 mg/mL, 0.5 mg/0.5 mL, 1 mg/mL, 2 mg/mL Single-Dose Prefilled Syringes.

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 any amendments submitted prior to the issuance of this letter.

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 Hydromorphone Hydrochloride Injection USP, 0.2 mg/mL, 0.5 mg/0.5 mL, 1 mg/mL, 2 mg/mL Single-Dose Prefilled Syringes to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Dilaudid Injection, 0.2 mg/mL, 0.5 mg/0.5 mL, 1 mg/mL, 2 mg/mL of Fresenius Kabi USA, LLC (Fresenius Kabi).

Reference is also made to FDA's Competitive Generic Therapy Designation – Grant letter dated January 18, 2022.

The RLD upon which you have based your ANDA, Fresenius Kabi's Dilaudid Injection, 0.2 mg/mL, 0.5 mg/0.5 mL, 1 mg/mL, 2 mg/mL, 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>
9,248,229 (the '229 patent)	March 12, 2034
9,731,082 (the '082 patent)	April 23, 2032

Your ANDA contains paragraph IV certifications to each of the patents¹ 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 Hydromorphone Hydrochloride Injection USP, 0.2 mg/mL, 0.5 mg/0.5 mL, 1 mg/mL, 2 mg/mL Single-Dose Prefilled Syringes, under this ANDA. You have notified the Agency that Hikma Pharmaceuticals USA, Inc. (Hikma) complied with the requirements of section 505(j)(2)(B) of the FD&C Act. With respect to the Hydromorphone Hydrochloride Injection USP, 0.5 mg/0.5 mL, 1 mg/mL, 2 mg/mL Single-Dose Prefilled Syringes you have notified the that no action for infringement was brought against Hikma within the statutory 45-day period.

With respect to 180-day generic drug exclusivity, we note that Hikma was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Hydromorphone Hydrochloride Injection USP, 0.2 mg/mL, 0.5 mg/0.5 mL, and 1 mg/mL Single-Dose Prefilled Syringes. Therefore, with this approval, Hikma is eligible for 180 days of generic drug exclusivity for Hydromorphone Hydrochloride Injection USP, 0.2 mg/mL, 0.5 mg/0.5 mL, and 1 mg/mL Single-Dose Prefilled Syringes. 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).

We note that Hikma was granted a Competitive Generic Therapy (CGT) designation for Hydromorphone Hydrochloride Injection USP, 0.2 mg/mL Single-Dose Prefilled Syringe. However, Hikma is not a "first approved applicant" for such competitive generic therapy, as defined in section 505(j)(5)(B)(v)(III) of the FD&C Act, because this drug product is eligible for 180-day patent challenge exclusivity under section 505(j)(5)(B)(iv) of the FD&C Act. See section 505(j)(5)(B)(v)(III)(bb)(BB) of the FD&C Act. Therefore, this drug product is not eligible for CGT exclusivity under section 505(j)(5)(B)(v) of the FD&C Act.

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

¹ The Agency notes that the '082 and '229 patents were submitted for the 0.2 mg/mL strength to the Agency after submission of your ANDA. Litigation, if any, with respect to this patent would not create a statutory stay of approval.



Catherine
Poole

Digitally signed by Catherine Poole

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