



ANDA 208959

**ANDA APPROVAL**

Actavis Laboratories FL, Inc.  
Attention: Alberto Rivalta  
Senior Director Regulatory Affairs, US Generics

Dear Alberto Rivalta:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on December 18, 2015, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Rifaximin Tablets, 550 mg.

Reference is also made to the complete response letter issued by this office on December 5, 2025, 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 Rifaximin Tablets, 550 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Xifaxan Tablets, 550 mg, of Salix Pharmaceuticals, Inc. (Salix) NDA - 021361.

The RLD upon which you have based your ANDA, Salix's Xifaxan Tablets, 550 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>
8,193,196 (the '196 patent)	September 2, 2027
8,309,569 (the '569 patent)	July 18, 2029
8,642,573 (the '573 patent)	October 2, 2029
8,829,017 (the '017 patent)	July 24, 2029
8,946,252 (the '252 patent)	July 24, 2029
8,969,398 (the '398 patent)	October 2, 2029

9,421,195 (the '195 patent)	July 24, 2029
9,629,828 (the 9'828 patent)	July 24, 2029
10,314,828 (the 4'828 patent)	July 24, 2029
10,335,397 (the '397 patent)	July 24, 2029
10,456,384 (the '384 patent)	February 26, 2029
10,709,694 (the '694 patent)	July 24, 2029
10,765,667 (the '667 patent)	February 26, 2029
11,564,912 (the '912 patent)	February 26, 2029
11,779,571 (the '571 patent)	February 26, 2029

Your ANDA contains paragraph IV certifications to 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 Rifaximin Tablets, 550 mg, under this ANDA. You have notified the Agency that Actavis Laboratories FL, Inc. (Actavis) 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 Actavis for infringement of the '196, '569, '573, '017, '252 and '398 patents in the United States District Court for the District of Delaware [Salix Pharmaceuticals, Inc. v. Actavis Laboratories FL, Inc., Civil Action No. 16-0188]. You have also notified the Agency that this case was dismissed.

With respect to 180-day generic drug exclusivity, we note that Actavis was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Rifaximin Tablets, 550 mg. Therefore, with this approval, Actavis is eligible for 180 days of generic drug exclusivity for Rifaximin Tablets, 550 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, 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 Kendra S. Stewart, R.Ph., Pharm.D.  
CAPT, United States Public Health Service  
Director  
Office of Regulatory Operations  
Office of Generic Drugs  
Center for Drug Evaluation and Research



Paul  
Levine

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