



ANDA 210245

ANDA APPROVAL

MSN Pharmaceuticals, Inc.
U.S. Agent for MSN Laboratories Private Limited
Attention: Kondal Reddy Bairy
Senior Vice President

Dear Kondal Reddy Bairy:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on February 9, 2017, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Pomalidomide Capsules, 2 mg, 3 mg and 4 mg.

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 Pomalidomide Capsules, 2 mg, 3 mg and 4 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Pomalyst Capsules, 2 mg, 3 mg and 4 mg, of Bristol-Myers Squibb Company (Bristol) NDA - 204026.

The RLD upon which you have based your ANDA, Bristol's Pomalyst Capsules, 2 mg, 3 mg and 4 mg, is subject to periods of patent protection. The following patents and expiration dates (with pediatric exclusivity added) 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>
8,828,427 (the '427 patent)	December 21, 2031
9,993,467 (the '467 patent)	November 19, 2030
10,555,939 (the '939 patent)	November 19, 2030

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 Pomalidomide Capsules, 2 mg, 3 mg and 4 mg, under this ANDA. You have notified the Agency that MSN Laboratories Private Limited (MSN) 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 MSN for infringement of the '427 patent in the United States District Court for the District of New Jersey [Celgene Corporation v. MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc., Civil Action No. 22-01993]. You have also notified the Agency that this case was dismissed.

RISK EVALUATION AND MITIGATION STRATEGY REQUIREMENTS

Section 505-1 of the FD&C Act authorizes FDA to require the submission of a risk evaluation and mitigation strategy (REMS), if FDA determines that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks [section 505-1(a) of the FD&C Act]. In accordance with section 505-1(i) of the FD&C Act, a drug that is the subject of an ANDA under section 505(j) of the FD&C Act is subject to certain elements of the REMS required for the applicable listed drug.

The details of the REMS requirements were outlined in our REMS notification letter dated March 28, 2017.

Your final proposed REMS, referenced in Drug Master File (DMF) (b) (4) is approved, and will be posted on the FDA REMS website: <http://www.fda.gov/remis>. Other products may be added in the future if additional NDAs or ANDAs are approved.

The PS-Pomalidomide REMS consists of Elements to Assure Safe Use (ETASU), and an implementation system.

Your REMS must be fully operational before you introduce your drug into interstate commerce.

Under section 505-1(g)(2)(C) of the FD&C Act, FDA can require the submission of a REMS assessment if FDA determines an assessment is needed to evaluate whether the REMS should be modified to ensure the benefits of the drug outweigh the risks or to minimize the burden on the healthcare delivery system of complying with the REMS.

We remind you that you must include an adequate rationale to support a proposed REMS modification for the addition, modification, or removal of any goal or element of the REMS, as described in section 505-1(g)(4) of the FD&C Act.

We also remind you that section 505-1(f)(8) of the FD&C Act prohibits holders of an approved covered application from using any element to assure safe use to block or delay approval of an application under section 505(b)(2) or (j). A violation of this provision in 505-1(f) of the FD&C Act could result in enforcement action.

Prominently identify any submission containing a REMS assessment or proposed modifications of the REMS with the following wording in bold capital letters at the top of the first page of the submission as appropriate:

**ANDA 210245 REMS ASSESSMENT
CROSS REFERENCE TO THE REMS DMF**

or

**NEW SUPPLEMENT FOR ANDA 210245/S-000
CHANGES BEING EFFECTED IN 30 DAYS
PROPOSED MINOR REMS MODIFICATION
CROSS REFERENCE TO THE REMS DMF**

or

**NEW SUPPLEMENT FOR ANDA 210245/S-000
PRIOR APPROVAL SUPPLEMENT
PROPOSED MAJOR REMS MODIFICATION
CROSS REFERENCE TO THE REMS DMF**

or

**NEW SUPPLEMENT FOR ANDA 210245/S-000
PRIOR APPROVAL SUPPLEMENT
PROPOSED REMS MODIFICATIONS DUE TO SAFETY LABELING
CHANGES SUBMITTED IN SUPPLEMENT XXX
CROSS REFERENCE TO THE REMS DMF**

Should you choose to submit a REMS revision, prominently identify the submission containing the REMS revisions with the following wording in bold capital letters at the top of the first page of the submission:

**REMS REVISION FOR ANDA 210245
CROSS REFERENCE TO THE REMS DMF**

The PS-Pomalidomide REMS uses a Type V DMF for shared system REMS submissions. Please refer to the draft guidance for industry *Use of a Drug Master File for Shared System REMS Submissions*,¹ or instructions on how to submit and reference the shared system REMS DMF.

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 at <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.
Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research

¹ We update guidances periodically. To make sure you have the most recent version of a guidance, check the FDA Drugs guidance web page at <https://www.fda.gov/RegulatoryInformation/Guidances/default.htm>.



Catherine
Poole

Digitally signed by Catherine Poole

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