



ANDA 210449

**ANDA APPROVAL**

Apotex Corp.  
U.S. Agent for Apotex Inc.  
Attention: Kiran Krishnan  
Senior Vice President, GRA

Dear Kiran Krishnan:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on March 29, 2017, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Canagliflozin Tablets, 100 mg and 300 mg.

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 Canagliflozin Tablets, 100 mg and 300 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Invokana Tablets, 100 mg and 300 mg, of Janssen Pharmaceuticals, Inc. (Janssen) NDA - 204042.

The RLD upon which you have based your ANDA, Janssen's Invokana Tablets, 100 mg and 300 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> |
|-----------------------------|------------------------|
| 7,943,582 (the '582 patent) | August 26, 2029        |
| 7,943,788 (the '788 patent) | January 14, 2028       |
| 8,513,202 (the '202 patent) | June 3, 2028           |

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 Canagliflozin Tablets, 100 mg and 300 mg, under this ANDA. You have notified the Agency that Apotex Inc. (Apotex) 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 Apotex for infringement of the '582 and '202 patents in the United States District Court for the District of New Jersey [Research and Development, LLC, and CILAG GMBH International v. Apotex, Inc. and Apotex Corp., Civil Action No. 17-05005 (consolidated)]. You have also notified the Agency that this case was dismissed.

With respect to 180-day generic drug exclusivity, we note that Apotex was a first ANDA applicant for Canagliflozin Tablets, 100 mg and 300 mg, to submit a substantially complete ANDA with a paragraph IV certification. Therefore, with this approval, Apotex may be eligible for 180 days of generic drug exclusivity for Canagliflozin Tablets, 100 mg and 300 mg. This exclusivity, which is provided for under 505(j)(5)(B)(iv) of the FD&C Act, would begin to run from the date of the commercial marketing identified in section 505(j)(5)(B)(iv). The Agency notes that Apotex failed to obtain tentative approval of this ANDA within 30 months after the date of which the ANDA was filed. See section 505(j)(5)(D)(i)(IV) of the FD&C Act (forfeiture of exclusivity for failure to obtain tentative approval). The Agency is not, however, making a formal determination at this time of Apotex's eligibility for 180-day generic drug exclusivity. We will do so only if a subsequent paragraph IV applicant becomes eligible for full approval (a) within 180 days after Apotex begins commercial marketing of Canagliflozin Tablets, 100 mg and 300 mg, or (b) at any time prior to the expiration of the '582 patent if Apotex has not begun commercial marketing. 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 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.  
CAPT, United States Public Health Service  
Director  
Office of Regulatory Operations  
Office of Generic Drugs  
Center for Drug Evaluation and Research



Catherine  
Poole

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