



ND 210944 A

ANDA TENTATIVE APPROVAL A

B Pharmaceuticals, LLC
U.S. Agent for Macleods Pharmaceuticals Limited
Attention: Andrej Gasperlin
President

Dear Andrej Gasperlin:

This letter is in reference to your abbreviated new drug application (ND) received for review on August 16, 2017, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Milnacipran Hydrochloride Tablets, 12.5 mg, 25 mg, 50 mg and 100 mg.

Reference is also made to the tentative approval letter issued by this office on January 5, 2022, and to any amendments thereafter.

We have completed the review of this ND and have concluded that adequate information has been presented to demonstrate that the drug meets the requirements for approval under the FD&C Act. We have determined your Milnacipran Hydrochloride Tablets, 12.5 mg, 25 mg, 50 mg and 100 mg to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Savella Tablets, 12.5 mg, 25 mg, 50 mg, and 100 mg, of bbVie Inc. (bbVie) ND - 022256.

However, we are unable to grant final approval to your ND at this time because of the exclusivity issue noted below. Therefore, the ND is tentatively approved. This determination is based upon information available to the Agency at this time (e.g., information in your ND and the status of current good manufacturing practices (cGMPs) of the facilities used in the manufacturing and testing of the drug product). This determination is subject to change on the basis of new information that may come to our attention.

The RLD upon which you have based your ND , bbVie's Savella Tablets, 12.5 mg, 25 mg, 50 mg, and 100 mg, is subject to a period of patent protection. The following patent and expiration date is currently listed in the Agency's publication titled Approved A Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"): A

Table with 2 columns: U.S. Patent Number, Expiration Date. Row 1: 7,994,220 (the '220 patent), September 19, 2029

Your ANDA contains paragraph IV certification to the '220 patent under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patent is invalid, unenforceable, or will not be infringed by your manufacturer, us, or our subsidiary of Milnacipran Hydrochloride Tablets, 12.5 mg, 25 mg, 50 mg and 100 mg under this ANDA. You have notified the Agency that Maelods pharmaceuticals Limited (Maelods) complied with the requirements of section 505(j)(2)(B) of the FD&C Act. Litigation was initiated within the statutory 5-day period against Maelods for infringement of the '220 patent in the United States District Court for the District of Delaware [All relevant pharmaceuticals International, Limited and AbbVie Inc., Civil Action No. 2018-0087]. You have also notified the Agency that this case was dismissed.

However, we are unable to return final approval to your ANDA at this time. Prior to the submission of your ANDA, neither application or applications submitted substantially complete ANDA providing for Milnacipran Hydrochloride Tablets, 12.5 mg, 25 mg, 50 mg and 100 mg, and containing paragraph IV certification. Your ANDA will be eligible for final approval on the date that is 180 days after the commercial marketing date identified in section 505(j)(5)(B)(iv) of the FD&C Act.

It is not that if FDA requires Risk Evaluation and Mitigation Strategy (REMS) for listed drug, an ANDA for a generic listed drug also will be required to have REMS. See section 505-1(i) of the FD&C Act.

REQUIREMENTS AND RECOMMENDATIONS POST APPROVAL

Under applicable statutes, regulations, and guidelines, if your ANDA receives final approval, it may be subject to certain requirements and recommendations post approval, including requirements regarding changes to approved ANDAs, postmarketing reporting, promotional materials, and notification of safety issues, monitoring. For information on post-approval requirements and recommendations for ANDAs and list of resources for ANDA holders, we refer you to <https://www.fda.gov/drugs/bbr/vit-d-n-w-drug-application-and-requirements-and-resources-post-approval>.

RESUBMISSION

To request final approval, please submit an amendment titled "FINAL APPROVAL REQUESTED" with enough time to permit FDA review prior to the date you believe that your ANDA will be eligible for final approval. A request for final approval that contains new data, information, or other changes to the ANDA normally requires a period of 3 months for Agency review. Accordingly, such a request for final approval should be submitted no later than 3 months prior to the date on which you seek approval. A request for final approval that contains substantive changes to this ANDA or changes in the status of the manufacturing and testing facilities' compliance with cGMPs will be classified and reviewed according to OGD policy in effect at the time of receipt. Applications should review applicable Agency guidance for industry related to amendments under the generic drug user fee program to determine the duration of Agency review and date to review with changes submitted. As part of this consideration, applicants should

should monitor any changes to the RLD that occur retroactively, including changes in labeling, patent or exclusivity information, or marketing status. The submission of multiple amendments prior to final approval may also result in delay in the issuance of the final approval letter.

The amendment requesting final approval should provide the regulatory basis for your request for final approval and should include a copy of court decision, settlement or licensing agreement, or other information described in 21 CFR 31.107, as appropriate. It should also identify changes, if any, in the conditions under which the ANDA was retroactively approved, e.g., updated information such as final-printed labeling, chemistry, manufacturing, and controls data as appropriate. This amendment should be submitted even if none of the changes were made, and it should be designated clearly in your cover letter as a "FINAL APPROVAL REQUESTED."

In addition to the amendment requested above, the Agency may request, at any time prior to the date of final approval, that you submit an additional amendment containing information specified by the Agency. Failure to submit either or, if requested, both types of amendments described above may result in delay in the issuance of the final approval letter.

This drug product may not be marketed without final Agency approval under section 505(j) of the FD&C Act. The introduction or delivery for introduction into interstate commerce of this drug product before the final approval date is prohibited under section 301 of the FD&C Act. Also, until the Agency issues the final approval letter, this drug product will not be deemed approved for marketing under section 505(j) of the FD&C Act, and will not be listed in the Orange Book.

For further information on the status of this ANDA or upon submitting an amendment to the ANDA, please contact Chad Snurud, Regulatory Project Manager, at (202) 02-5852. a

Sincerely yours,

{See appended electronic signature page}

For Kندر S. Stewart, R. h., h rm.D.
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Dir ctor
Offic of R ul tory Op r tions
Offic of G en ric Dru s
C nt r for Dru Ev lu tion nd R s rch

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