

**CENTER FOR DRUG EVALUATION AND RESEARCH**

**Approval Package for:**

***APPLICATION NUMBER:***

**ANDA 75-913**

***Name:*** Bupropion Hydrochloride Extended-release  
Tablets, 100 mg and 150 mg

***Sponsor:*** Impax Laboratories, Inc.

***Approval Date:*** January 28, 2004

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***APPLICATION NUMBER:***  
**ANDA 75-913**

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*APPLICATION NUMBER:*

**ANDA 75-913**

**APPROVAL LETTER**

ANDA 75-913

JAN 28 2004

IMPAX Laboratories, Inc.  
Attention: Mark C. Shaw  
30831 Huntwood Avenue  
Hayward, CA 94544

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated June 22, 2000, submitted pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act) for Bupropion Hydrochloride Extended-release Tablets, 100 mg and 150 mg (Twice-A-Day Dosing).

Reference is made to your amendments dated August 25, 2000; and January 17, March 10, April 3 (two amendments), June 27, July 9, August 1 (two amendments), September 5, October 2, November 14, December 2, and December 8, 2003; and January 15, and January 23, 2004. We acknowledge receipt of your correspondence dated August 28, and October 4, 2000; September 5, 2002; March 19, 2003; and January 15, 2004, addressing the patent issues noted below. We also acknowledge receipt of your correspondence dated February 20, 2002, regarding exclusivity associated with the reference listed drug product (RLD).

We have completed the review of this abbreviated application, and based upon the information you have presented to date, we have concluded that both strengths of the drug product are safe and effective for use as recommended in the submitted labeling. However, final approval of your Bupropion Hydrochloride Extended-release Tablets, 150 mg is blocked at this time by another applicant's eligibility for 180-day generic drug exclusivity as noted in further detail below. **Therefore, final approval is granted for your Bupropion Hydrochloride Extended-release Tablets, 100 mg.** Please note that the 150 mg strength is regarded as tentatively approved, and will be eligible for final approval upon the expiration of another applicant's 180-day generic drug exclusivity, or until that applicant's eligibility for 180-day generic drug

exclusivity for Bupropion Hydrochloride Extended-release Tablets, 150 mg has been satisfactorily resolved.

The Division of Bioequivalence has determined your Bupropion Hydrochloride Extended-release Tablets, 100 mg, to be bioequivalent and therapeutically equivalent to the listed drug (Wellbutrin SR<sup>®</sup> Sustained-Release Tablets, 100 mg, of GlaxoSmithKline). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your application. The "interim" dissolution specifications are as follows:

Dissolution testing should be conducted in 900 mL of water, at 37°C, using USP Apparatus 2 (paddle) at 50 rpm. The test product should meet the following "interim" specifications:

<u>Time (Hours)</u>	<u>% Dissolved</u>
1	_____
2	_____
4	_____
6	NLT —

The "interim" dissolution test(s) and tolerances should be finalized by submitting dissolution data for the first three production size batches. Data should be submitted as a "Special Supplement - Changes Being Effected" when there are no revisions to the "interim" specifications or when the final specifications are tighter than the "interim" specifications. In all other instances, the information should be submitted in the form of a Prior Approval Supplement.

The listed drug product referenced in your application, Wellbutrin SR<sup>®</sup> Tablets, 100 mg and 150 mg, of GlaxoSmithKline, is subject to multiple periods of patent protection. The following United States patents and their expiration dates currently appear in the Agency's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations, the "Orange Book":

<u>Patent Number</u>	<u>Expiration Date</u>
5,358,970 (the '970 patent)	August 12, 2013
5,427,798 (the '798 patent)	August 12, 2013
5,731,000 (the '000 patent)	August 12, 2013
5,763,493 (the '493 patent)	August 12, 2013

Your application contains paragraph IV certifications to each of these patents under Section 505(j)(2)(A)(vii)(IV) of the Act stating that none of these patents will be infringed by your manufacture, use, offer for sale, or sale of Bupropion Hydrochloride Extended-release Tablets, 100 mg and 150 mg. Section 505(j)(5)(B)(iii) of the Act provides that approval of an ANDA shall be made effective immediately, unless an action is brought against IMPAX Laboratories, Inc. (IMPAX) for infringement of one or more of the patents which were the subjects of the paragraph IV certifications. This action must be brought against IMPAX prior to the expiration of forty-five (45) days from the date the notice you provided under paragraph (2)(B)(i) was received by the patent and NDA holder(s). You have informed the agency that IMPAX complied with the requirements of Section 505(j)(2)(B) of the Act and that no action for infringement of the '970, '000, or '493 patents was brought against IMPAX within the statutory forty-five day period. You have also informed the agency that with regard to the '798 patent, Glaxo Wellcome, Inc. initiated a patent infringement action against IMPAX in the United States District Court for the Northern District of California (Glaxo Wellcome, Inc. v. IMPAX Laboratories, Inc.), Civil Action No. CA-00-21009.

The agency recognizes that the 30-month period identified in Section 505(j)(5)(B)(iii) of the Act and associated with Civil Action CA-00-21009 for the '798 patent, during which time the FDA was precluded from approving your application, has expired.

Under Section 506(A) of the Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change can be made.

Post-marketing requirements for this ANDA for Bupropion Hydrochloride Extended-release Tablets, 100 mg are set forth in 21 CFR 314.80-81 and 314.98. The Office of Generic Drugs should be advised of any change in the

marketing status of your Bupropion Hydrochloride Extended-release Tablets, 100 mg.

We request that you submit, in duplicate, any proposed advertising or promotional copy that you intend to use in your initial advertising or promotional campaigns for the 100 mg strength. Please submit all proposed materials in draft or mock-up form, not final print. Submit both copies together with a copy of the final printed labeling to the Division of Drug Marketing, Advertising, and Communications (HFD-40). Please do not use Form FDA 2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) for this initial submission.

We call your attention to 21 CFR 314.81(b)(3) which requires that materials for any subsequent advertising or promotional campaign be submitted to our Division of Drug Marketing, Advertising, and Communications (HFD-40) with a completed Form FDA 2253 at the time of their initial use.

Our decision to grant tentative approval to your Bupropion Hydrochloride Extended-release Tablets, 150 mg, is based upon information currently available to the agency; (i.e., data in your application and the status of current good manufacturing practices (cGMPs) of the facilities used in the manufacture and testing of the drug product). This decision is subject to change on the basis of new information that may come to our attention.

As noted previously, we are unable to grant final approval to your Bupropion Hydrochloride Extended-release Tablets, 150 mg, at this time because an ANDA for the 150 mg strength containing paragraph IV certifications to the patents listed in the Orange Book was submitted to OGD prior to the submission of your application. Accordingly, your Bupropion Hydrochloride Extended-release Tablets, 150 mg, will be eligible for final approval beginning on the date that is one-hundred eighty days after the date the agency received notice of the first commercial marketing of the 150 mg strength under the previous application, or the date of a court decision described under Section 505(j)(5)(B)(iv), whichever event occurs earlier. For additional information, we refer you to the Agency's guidance document entitled "180-Day Generic Drug Exclusivity Under the Hatch-Waxman Amendments" (June 1988).

In order to reactivate this application to provide for final approval of the 150 mg strength, you must submit a "Supplemental Application - Expedited Review Requested". This supplemental application should be submitted for prior approval approximately 30 days prior to the date you believe that your Bupropion Hydrochloride Extended-release Tablets, 150 mg, will be eligible for final approval. The supplement should include a detailed explanation of why and when you believe final approval should be granted. Please include a copy of a final order or judgement, settlement or licensing agreement, or other relevant agreement as appropriate. It should also include updated information such as final-printed labeling, chemistry, manufacturing, and controls data as appropriate. This supplemental application should be submitted even if no changes have been made to the application since the date of this tentative approval. Significant changes, as well as an update of the status of the manufacturing and testing facilities' compliance with cGMPs are subject to Agency review before final approval of the supplemental application will be granted. We request that you categorize the changes as representing either "major" or "minor" changes, and they will be reviewed according to OGD policy in effect at the time of receipt.

In addition to the supplemental application requested above, the Agency may request at any time prior to the date of final approval that you submit an additional document containing the requested information. Failure to submit either or, if requested, both documents may result in the rescission of the tentative approval status of your application for Bupropion Hydrochloride Extended-release Tablets, 150 mg, or may result in a delay in the issuance of the final approval letter.

Please note that under Section 505 of the Act, your Bupropion Hydrochloride Extended-release Tablets, 150 mg, may not be marketed without final agency approval. The introduction or delivery for introduction into interstate commerce of your Bupropion Hydrochloride Extended-release Tablets, 150 mg, before the final approval date is prohibited under Section 501 of the Act and 21 U.S.C. 331(d). Also, until the agency issues the final approval letter, your Bupropion Hydrochloride Extended-release Tablets, 150 mg will not be deemed approved for marketing under 21 U.S.C. 355, and will not be listed in the "Orange Book".



For further information on the status of this application, or prior to submitting an amendment providing for the final approval of your Bupropion Hydrochloride Extended-release Tablets, 150 mg, please contact Stanley Shepperson, Pharm.D., Project Manager, at (301) 827-5798.

Sincerely yours,



Gary Buehler

1/28/04

Director

Office of Generic Drugs

Center for Drug Evaluation and Research

cc: ANDA 75-913  
Division File  
Field Copy  
HFD-600/R.West  
HFD-330  
HFD-205  
HFD-600/Orange Book  
HFD-600/D.Hare

Endorsements:

HFD-647/M.Selvam/

HFD-647/U.Venkataram/

HFD-617/S.Shepperson/

HFD-613/P.Birch/

HFD-613/L.Golson

~~U.V. Venkataram~~ 1/15/2004 uv

U.V. Venkataram 1/15/2004

S. Shepperson 1/16/04

1/16/04

1/16/04

Robert Hest  
1/28/2004

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APPROVAL - 100 MG

TENTATIVE APPROVAL - 150 MG

CME satisfied  
Vijayalaxmi  
1/27/04

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***APPLICATION NUMBER:***

**ANDA 75-913**

**LABELING**





