

**CENTER FOR DRUG EVALUATION AND  
RESEARCH**

*APPLICATION NUMBER:*  
**22-363**

**ADMINISTRATIVE and  
CORRESPONDENCE  
DOCUMENTS**

**PATENT INFORMATION SUBMITTED WITH THE  
FILING OF AN NDA, AMENDMENT, OR SUPPLEMENT**  
*For Each Patent That Claims a Drug Substance  
(Active Ingredient), Drug Product (Formulation and  
Composition) and/or Method of Use*

NDA NUMBER  
22-363  
NAME OF APPLICANT / NDA HOLDER  
Kowa Company Limited

*The following is provided in accordance with Section 505(b) and (c) of the Federal Food, Drug, and Cosmetic Act.*

TRADE NAME (OR PROPOSED TRADE NAME)  
Livalo (proposed)

ACTIVE INGREDIENT(S) STRENGTH(S)  
Pitavastatin Calcium 1 mg, 2 mg, 4 mg

DOSAGE FORM  
Tablet, Oral

This patent declaration form is required to be submitted to the Food and Drug Administration (FDA) with an NDA application, amendment, or supplement as required by 21 CFR 314.53 at the address provided in 21 CFR 314.53(d)(4). Within thirty (30) days after approval of an NDA or supplement, or within thirty (30) days of issuance of a new patent, a new patent declaration must be submitted pursuant to 21 CFR 314.53(c)(2)(ii) with all of the required information based on the approved NDA or supplement. The information submitted in the declaration form submitted upon or after approval will be the only information relied upon by FDA for listing a patent in the Orange Book.

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**FDA will not list patent information if you file an incomplete patent declaration or the patent declaration indicates the patent is not eligible for listing.**

**For each patent submitted for the pending NDA, amendment, or supplement referenced above, you must submit all the information described below. If you are not submitting any patents for this pending NDA, amendment, or supplement, complete above section and sections 5 and 6.**

**1. GENERAL**

a. United States Patent Number 5,854,259	b. Issue Date of Patent Dec. 29, 1998	c. Expiration Date of Patent Dec. 29, 2015
d. Name of Patent Owner Nissan Chemical Industries, Ltd.	Address (of Patent Owner) 7-1, Kanda-Nishiki-Cho 3-Chome, Chiyoda-Ku	
	City/State Tokyo, Japan	
	ZIP Code	FAX Number (if available) 81-3-3296-8332
	Telephone Number 81-3-3296-8365	E-Mail Address (if available) otam@nissanchem.co.jp
e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)  Kowa Research Institute, Inc. Attn: Ross Laderman MPH Agent for Kowa Company Limited	Address (of agent or representative named in 1.e.) 430 Davis Drive Suite 200	
	City/State Morrisville, NC 27560	
	ZIP Code 27560	FAX Number (if available) 919 433 1620
	Telephone Number 919 433 1600	E-Mail Address (if available) rladerman@kowaus.com
f. Is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. If the patent referenced above has been submitted previously for listing, is the expiration date a new expiration date? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**For the patent referenced above, provide the following information on the drug substance, drug product and/or method of use that is the subject of the pending NDA, amendment, or supplement.**

**2. Drug Substance (Active Ingredient)**

2.1 Does the patent claim the drug substance that is the active ingredient in the drug product described in the pending NDA, amendment, or supplement?  Yes  No

2.2 Does the patent claim a drug substance that is a different polymorph of the active ingredient described in the pending NDA, amendment, or supplement?  Yes  No

2.3 If the answer to question 2.2 is "Yes," do you certify that, as of the date of this declaration, you have test data demonstrating that a drug product containing the polymorph will perform the same as the drug product described in the NDA? The type of test data required is described at 21 CFR 314.53(b).  Yes  No

2.4 Specify the polymorphic form(s) claimed by the patent for which you have the test results described in 2.3.

2.5 Does the patent claim only a metabolite of the active ingredient pending in the NDA or supplement? (Complete the information in section 4 below if the patent claims a pending method of using the pending drug product to administer the metabolite.)  Yes  No

2.6 Does the patent claim only an intermediate?  Yes  No

2.7 If the patent referenced in 2.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.)  Yes  No

**3. Drug Product (Composition/Formulation)**

3.1 Does the patent claim the drug product, as defined in 21 CFR 314.3, in the pending NDA, amendment, or supplement?  Yes  No

3.2 Does the patent claim only an intermediate?  Yes  No

3.3 If the patent referenced in 3.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.)  Yes  No

**4. Method of Use**

**Sponsors must submit the information in section 4 for each method of using the pending drug product for which approval is being sought that is claimed by the patent. For each pending method of use claimed by the patent, provide the following information:**

4.1 Does the patent claim one or more methods of use for which approval is being sought in the pending NDA, amendment, or supplement?  Yes  No

4.2 Patent Claim Number(s) (as listed in the patent) Does (Do) the patent claim(s) referenced in 4.2 claim a pending method of use for which approval is being sought in the pending NDA, amendment, or supplement?  Yes  No

4.2a If the answer to 4.2 is "Yes," identify with specificity the use with reference to the proposed labeling for the drug product. Use: (Submit indication or method of use information as identified specifically in the approved labeling.)

**5. No Relevant Patents**

For this pending NDA, amendment, or supplement, there are no relevant patents that claim the drug substance (active ingredient), drug product (formulation or composition) or method(s) of use, for which the applicant is seeking approval and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product.  Yes

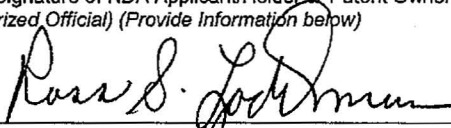
**6. Declaration Certification**

6.1 *The undersigned declares that this is an accurate and complete submission of patent information for the NDA, amendment, or supplement pending under section 505 of the Federal Food, Drug, and Cosmetic Act. This time-sensitive patent information is submitted pursuant to 21 CFR 314.53. I attest that I am familiar with 21 CFR 314.53 and this submission complies with the requirements of the regulation. I verify under penalty of perjury that the foregoing is true and correct.*

**Warning: A willfully and knowingly false statement is a criminal offense under 18 U.S.C. 1001.**

6.2 Authorized Signature of NDA Applicant/Holder or Patent Owner (Attorney, Agent, Representative or other Authorized Official) (Provide Information below)

Date Signed  
10/1/2008



**NOTE: Only an NDA applicant/holder may submit this declaration directly to the FDA. A patent owner who is not the NDA applicant/holder is authorized to sign the declaration but may not submit it directly to FDA. 21 CFR 314.53(c)(4) and (d)(4).**

Check applicable box and provide information below.

NDA Applicant/Holder

NDA Applicant's/Holder's Attorney, Agent (Representative) or other Authorized Official

Patent Owner

Patent Owner's Attorney, Agent (Representative) or Other Authorized Official

Name  
Kowa Research Institute, Inc.

Address  
430 Davis Drive Suite 200

City/State  
Morrisville, NC 27560

ZIP Code  
27560

Telephone Number  
919 433 1600

FAX Number (if available)  
919 433 1620

E-Mail Address (if available)  
rladerman@kowaus.com

The public reporting burden for this collection of information has been estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Food and Drug Administration  
CDER (HFD-007)  
5600 Fishers Lane  
Rockville, MD 20857

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**PATENT INFORMATION SUBMITTED WITH THE  
FILING OF AN NDA, AMENDMENT, OR SUPPLEMENT**

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(Active Ingredient), Drug Product (Formulation and  
Composition) and/or Method of Use**

NDA NUMBER

22-363

NAME OF APPLICANT / NDA HOLDER

Kowa Company Limited

*The following is provided in accordance with Section 505(b) and (c) of the Federal Food, Drug, and Cosmetic Act.*

TRADE NAME (OR PROPOSED TRADE NAME)

Livalo (proposed)

ACTIVE INGREDIENT(S)

Pitavastatin Calcium

STRENGTH(S)

1 mg, 2 mg, 4 mg

DOSAGE FORM

Tablet, Oral

This patent declaration form is required to be submitted to the Food and Drug Administration (FDA) with an NDA application, amendment, or supplement as required by 21 CFR 314.53 at the address provided in 21 CFR 314.53(d)(4).

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**1. GENERAL**

a. United States Patent Number  
5,856,336

b. Issue Date of Patent  
Jan. 5, 1999

c. Expiration Date of Patent  
Jan. 5, 2016

d. Name of Patent Owner  
Nissan Chemical Industries, Ltd.

Address (of Patent Owner)  
7-1, Kanda-Nishiki-Cho 3-Chome, Chiyoda-Ku

City/State  
Tokyo, Japan

ZIP Code

FAX Number (if available)  
81-3-3296-8332

Telephone Number  
81-3-3296-8365

E-Mail Address (if available)  
otam@nissanchem.co.jp

e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)

Address (of agent or representative named in 1.e.)  
430 Davis Drive Suite 200

City/State  
Morrisville, NC 27560

ZIP Code  
27560

FAX Number (if available)  
919 433 1620

Telephone Number  
919 433 1600

E-Mail Address (if available)  
rladerman@kowaus.com

Kowa Research Institute, Inc.  
Attn: Ross Laderman MPH  
Agent for Kowa Company Limited

f. Is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above?

Yes  No

g. If the patent referenced above has been submitted previously for listing, is the expiration date a new expiration date?

Yes  No

**For the patent referenced above, provide the following information on the drug substance, drug product and/or method of use that is the subject of the pending NDA, amendment, or supplement.**

**2. Drug Substance (Active Ingredient)**

- 2.1 Does the patent claim the drug substance that is the active ingredient in the drug product described in the pending NDA, amendment, or supplement?  Yes  No
- 2.2 Does the patent claim a drug substance that is a different polymorph of the active ingredient described in the pending NDA, amendment, or supplement?  Yes  No
- 2.3 If the answer to question 2.2 is "Yes," do you certify that, as of the date of this declaration, you have test data demonstrating that a drug product containing the polymorph will perform the same as the drug product described in the NDA? The type of test data required is described at 21 CFR 314.53(b).  Yes  No
- 2.4 Specify the polymorphic form(s) claimed by the patent for which you have the test results described in 2.3.

- 2.5 Does the patent claim only a metabolite of the active ingredient pending in the NDA or supplement? (Complete the information in section 4 below if the patent claims a pending method of using the pending drug product to administer the metabolite.)  Yes  No
- 2.6 Does the patent claim only an intermediate?  Yes  No
- 2.7 If the patent referenced in 2.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.)  Yes  No

**3. Drug Product (Composition/Formulation)**

- 3.1 Does the patent claim the drug product, as defined in 21 CFR 314.3, in the pending NDA, amendment, or supplement?  Yes  No
- 3.2 Does the patent claim only an intermediate?  Yes  No
- 3.3 If the patent referenced in 3.1 is a product-by-process patent, is the product claimed in the patent novel? (An answer is required only if the patent is a product-by-process patent.)  Yes  No

**4. Method of Use**

**Sponsors must submit the information in section 4 for each method of using the pending drug product for which approval is being sought that is claimed by the patent. For each pending method of use claimed by the patent, provide the following information:**

- 4.1 Does the patent claim one or more methods of use for which approval is being sought in the pending NDA, amendment, or supplement?  Yes  No
- 4.2 Patent Claim Number(s) (as listed in the patent) Does (Do) the patent claim(s) referenced in 4.2 claim a pending method of use for which approval is being sought in the pending NDA, amendment, or supplement?  Yes  No

4.2a If the answer to 4.2 is "Yes," identify with specificity the use with reference to the proposed labeling for the drug product.

Use: (Submit indication or method of use information as identified specifically in the approved labeling.)  
Livalo is indicated for use as an adjunct to diet to reduce total cholesterol, LDL-cholesterol, apolipoprotein B, and triglycerides and to increase HDL-cholesterol in adult patients with primary hypercholesterolemia and mixed dyslipidemia

**5. No Relevant Patents**

For this pending NDA, amendment, or supplement, there are no relevant patents that claim the drug substance (active ingredient), drug product (formulation or composition) or method(s) of use, for which the applicant is seeking approval and with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug product.  Yes



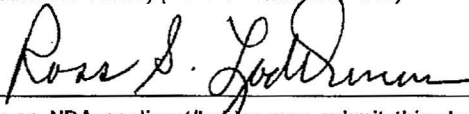
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Tablet, Oral

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**1. GENERAL**

a. United States Patent Number 6,465,477  
b. Issue Date of Patent Oct. 15, 2002  
c. Expiration Date of Patent Dec. 20, 2016

d. Name of Patent Owner  
Kowa Company Limited and  
Nissan Chemical Industries, Ltd.

Address (of Patent Owner)  
6-29, Nishiki 3-Chome, Naka-Ku, Nagoya-Shi

City/State  
Aichi, Japan

ZIP Code  
FAX Number (if available)  
81-3-3279-7361 81-3-327-7589

Telephone Number  
E-Mail Address (if available)  
81-3-3279-7361 yotakahs@kowa.co.jp

e. Name of agent or representative who resides or maintains a place of business within the United States authorized to receive notice of patent certification under section 505(b)(3) and (j)(2)(B) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 314.52 and 314.95 (if patent owner or NDA applicant/holder does not reside or have a place of business within the United States)

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Telephone Number  
E-Mail Address (if available)  
919 433 1600 rladerman@kowa.us.com

f. Is the patent referenced above a patent that has been submitted previously for the approved NDA or supplement referenced above?  Yes  No

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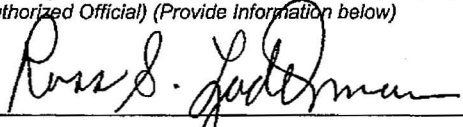
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Date Signed  
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Patent Owner

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