CENTER FOR DRUG EVALUATION AND RESEARCH

APPLICATION NUMBER:

209875Orig1s000

ADMINISTRATIVE and CORRESPONDENCE DOCUMENTS

ACTION PACKAGE CHECKLIST

APPLICATION INFORMATION[1]

NDA # 209875	
Proprietary Name: Nikita Established/Proper Name: Pitavastatin Dosage Form: Tablets-1 mg, 2 mg, and 4 mg	Applicant: Lupin Limited Agent for Applicant: Lupin Pharmaceuticals, Inc.
RPM: Richard Whitehead, M.S.	Division: Div of Metabolism and Endocrinology Products
NDA Application Type: ☐ 505(b)(1) ☒ 505(b)(2)	**For ALL 505(b)(2) applications, two months prior to EVERY action:** • **Review the information in the 505(b)(2) Assessment and submit the draft[2] to CDER OND IO for clearance.** • **Check Orange Book for newly listed patents and/or exclusivity (including pediatric exclusivity)** ☒ No changes ☐ New patent/exclusivity *(notify CDER OND IO)* Date of check: ***Note: If pediatric exclusivity has been granted or the pediatric information in the labeling of the listed drug changed, determine whether pediatric information needs to be added to or deleted from the labeling of this drug.***

❖ Actions	
• Proposed action • User Fee Goal Date is August 21, 2017 • Action Goal Date: August 04, 2017	☒ AP ☐ TA ☐ CR
• Previous actions *(specify type and date for each action taken)*	☒ None
❖ If accelerated approval or approval based on efficacy studies in animals, were promotional materials received? Note: Promotional materials to be used within 120 days after approval must have been submitted (for exceptions, see http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm069965.pdf). If not submitted, explain _____	☐ Received
❖ Application Characteristics[3]	

[1] The **Application Information** Section is (only) a checklist. The **Contents of Action Package** Section (beginning on page 2) lists the documents to be included in the Action Package.

[2] For resubmissions, 505(b)(2) applications must be cleared before the action, but it is not necessary to resubmit the draft 505(b)(2) Assessment to CDER OND IO unless the Assessment has been substantively revised (e.g., new listed drug, patent certification revised).

[3] Answer all questions in all sections in relation to the pending application, i.e., if the pending application is an NDA or BLA supplement, then the questions should be answered in relation to that supplement, not in relation to the original NDA or BLA.

Review priority: ☒ Standard ☐ Priority
Chemical classification (new NDAs only):
(confirm chemical classification at time of approval)

☐ Fast Track
☐ Rolling Review
☐ Orphan drug designation
☐ Breakthrough Therapy designation
☐ Rx-to-OTC full switch
☐ Rx-to-OTC partial switch
☐ Direct-to-OTC

(NOTE: Set the submission property in DARRTS and notify the CDER Breakthrough Therapy Program Manager; Refer to the "RPM BT Checklist for Considerations after Designation Granted" for other required actions: CST SharePoint)

NDAs: Subpart H
☐ Accelerated approval (21 CFR 314.510)
☐ Restricted distribution (21 CFR 314.520)
Subpart I
☐ Approval based on animal studies

BLAs: Subpart E
☐ Accelerated approval (21 CFR 601.41)
☐ Restricted distribution (21 CFR 601.42)
Subpart H
☐ Approval based on animal studies

☐ Submitted in response to a PMR
☐ Submitted in response to a PMC
☐ Submitted in response to a Pediatric Written Request

REMS: ☐ MedGuide
☐ Communication Plan
☐ ETASU
☐ MedGuide w/o REMS
☐ REMS not required

Comments:

❖ BLAs only: Is the product subject to official FDA lot release per 21 CFR 610.2 *(approvals only)*	☐ Yes ☐ No
❖ Public communications *(approvals only)*	
• Office of Executive Programs (OEP) liaison has been notified of action	☒ Yes ☐ No
• Indicate what types (if any) of information were issued	☒ None ☐ FDA Press Release ☐ FDA Talk Paper ☐ CDER Q&As ☐ Other
❖ Exclusivity	
• Is approval of this application blocked by any type of exclusivity (orphan, 5-year NCE, 3-year, pediatric exclusivity)? • If so, specify the type	☒ No ☐ Yes
❖ Patent Information (NDAs only)	
• Patent Information: Verify that form FDA-3542a was submitted for patents that claim the drug for which approval is sought.	☒ Verified ☐ Not applicable because drug is an old antibiotic.

CONTENTS OF ACTION PACKAGE

Officer/Employee List

❖ List of officers/employees who participated in the decision to approve this application and consented to be identified on this list *(approvals only)*	☒ Included
Documentation of consent/non-consent by officers/employees	☒ Included

Action Letters	
❖ Copies of all action letters *(including approval letter with final labeling)*	Approval; 8/04/2017
Labeling	
❖ Package Insert *(write submission/communication date at upper right of first page of PI)*	
• Most recent draft labeling *(if it is division-proposed labeling, it should be in track-changes format)*	☒ Included for final label see AP letter dated 8/04/17
• Original applicant-proposed labeling	☒ Included
❖ Medication Guide/Patient Package Insert/Instructions for Use/Device Labeling *(write submission/communication date at upper right of first page of each piece)*	☐ Medication Guide ☐ Patient Package Insert ☐ Instructions for Use ☐ Device Labeling ☒ None
• Most-recent draft labeling *(if it is division-proposed labeling, it should be in track-changes format)*	☐ Included
• Original applicant-proposed labeling	☐ Included
❖ Labels (**full color** carton and immediate-container labels) *(write submission/communication date on upper right of first page of each submission)*	
• Most-recent draft labeling	☒ Included for final labeling see AP letter dated 8/04/17
❖ Proprietary Name • Acceptability/non-acceptability letter(s) *(indicate date(s))* • Review(s) *(indicate date(s)*	2/14/17 2/08/17
❖ Labeling reviews *(indicate dates of reviews)*	RPM: PLLR 12/15/16 DMEPA: 7/10/17; 3/16/17 DMPP/PLT (DRISK): ☒ None OPDP: 8/03/17 SEALD: ☒ None CSS: ☒ None Product Quality ☒ None Other: ☒ None
Administrative / Regulatory Documents	
❖ RPM Filing Review[4]/Memo of Filing Meeting *(indicate date of each review)* ❖ All NDA 505(b)(2) Actions: Date each action cleared by 505(b)(2) Clearance Committee	12/06/2016 7/18/2017
❖ NDAs/NDA supplements only: Exclusivity Summary *(signed by Division Director)*	☒ Completed (Do not include)
❖ Application Integrity Policy (AIP) Status and Related Documents http://www.fda.gov/ICECI/EnforcementActions/ApplicationIntegrityPolicy/default.htm	
• Applicant is on the AIP	☐ Yes ☒ No

[4] Filing reviews for scientific disciplines are NOT required to be included in the action package.

• This application is on the AIP o If yes, Center Director's Exception for Review memo *(indicate date)* o If yes, OC clearance for approval *(indicate date of clearance communication)*	☐ Yes ☒ No ☐ Not an AP action
❖ Pediatrics *(approvals only)* • Date reviewed by PeRC 8/02/17 If PeRC review not necessary, explain: _____	
❖ Breakthrough Therapy Designation	☒ N/A
• Breakthrough Therapy Designation Letter(s) (granted, denied, an/or rescinded)	
• CDER Medical Policy Council Breakthrough Therapy Designation Determination Review Template(s) *(include only the completed template(s) and not the meeting minutes)*	
• CDER Medical Policy Council Brief – Evaluating a Breakthrough Therapy Designation for Rescission Template(s) *(include only the completed template(s) and not the meeting minutes)* *(completed CDER MPC templates can be found in DARRTS as clinical reviews or on the MPC SharePoint Site)*	
❖ Outgoing communications: letters, emails, and faxes considered important to include in the action package by the reviewing office/division (e.g., clinical SPA letters, RTF letter, Formal Dispute Resolution Request decisional letters, etc.) *(do not include OPDP letters regarding pre-launch promotional materials as these are non-disclosable; do not include Master File letters; do not include previous action letters, as these are located elsewhere in package)*	7/30/17; 4/25/17; 2/23/17; 1/03/17; 12/21/16; 2/16/16; 10/27/16
❖ Internal documents: memoranda, telecons, emails, and other documents considered important to include in the action package by the reviewing office/division (e.g., Regulatory Briefing minutes, Medical Policy Council meeting minutes)	
❖ Minutes of Meetings	
• If not the first review cycle, any end-of-review meeting *(indicate date of mtg)*	☒ N/A or no mtg
• Pre-NDA/BLA meeting *(indicate date of mtg)*	☒ No mtg
• EOP2 meeting *(indicate date of mtg)*	☒ No mtg
• Mid-cycle Communication *(indicate date of mtg)*	☒ N/A
• Late-cycle Meeting *(indicate date of mtg)*	☒ N/A
• Other milestone meetings (e.g., EOP2a, CMC focused milestone meetings) *(indicate dates of mtgs)*	
❖ Advisory Committee Meeting(s)	☒ No AC meeting
• Date(s) of Meeting(s)	
Decisional and Summary Memos	
❖ Office Director Decisional Memo *(indicate date for each review)*	☒ None
Division Director Summary Review *(indicate date for each review)*	☒ None see Medical Officer Review dated 8/02/17
Cross-Discipline Team Leader Review *(indicate date for each review)*	☒ None see Medical Officer Review dated 8/02/17
PMR/PMC Development Templates *(indicate total number)*	☒ None
Clinical	

❖ Clinical Reviews	
• Clinical Team Leader Review(s) *(indicate date for each review)*	☒ No separate review see Medical Officer Review dated 8/02/17
• Clinical review(s) *(indicate date for each review)*	8/02/17; 12/08/16
• Social scientist review(s) (if OTC drug) *(indicate date for each review)*	☒ None
❖ Financial Disclosure reviews(s) or location/date if addressed in another review OR If no financial disclosure information was required, check here ☒ and include a review/memo explaining why not *(indicate date of review/memo)*	See Medical Officer Review, dated 8/02/17, pg 9
❖ Clinical reviews from immunology and other clinical areas/divisions/Centers *(indicate date of each review)*[5]	☒ None
❖ Controlled Substance Staff review(s) and Scheduling Recommendation *(indicate date of each review)*	☒ N/A
❖ Risk Management • REMS Documents and REMS Supporting Document *(indicate date(s) of submission(s))* • REMS Memo(s) and letter(s) *(indicate date(s))* • Risk management review(s) and recommendations (including those by OSE and CSS) *(indicate date of each review and indicate location/date if incorporated into another review)*	☒ None
❖ OSI Clinical Inspection Review Summary(ies) *(include copies of OSI letters to investigators)*	☒ None requested
Clinical Microbiology ☒ None	
❖ Clinical Microbiology Team Leader Review(s) *(indicate date for each review)*	☐ No separate review
Clinical Microbiology Review(s) *(indicate date for each review)*	☐ None
Biostatistics ☒ None	
❖ Statistical Division Director Review(s) *(indicate date for each review)*	☐ No separate review
Statistical Team Leader Review(s) *(indicate date for each review)*	☐ No separate review
Statistical Review(s) *(indicate date for each review)*	☐ None
Clinical Pharmacology ☐ None	
❖ Clinical Pharmacology Division Director Review(s) *(indicate date for each review)*	☒ No separate review
Clinical Pharmacology Team Leader Review(s) *(indicate date for each review)*	☒ No separate review
Clinical Pharmacology review(s) *(indicate date for each review)*	7/12/17; 12/06/16
❖ OSI Clinical Pharmacology Inspection Review Summary *(include copies of OSI letters)*	5/23/17

[5] For Part 3 combination products, all reviews from the reviewing Center(s) should be entered into the official archive (for further instructions, see "Section 508 Compliant Documents: Process for Regulatory Project Managers" located in the CST electronic repository).

Nonclinical ☐ None	
❖ Pharmacology/Toxicology Discipline Reviews	
• ADP/T Review(s) *(indicate date for each review)*	☒ No separate review
• Supervisory Review(s) *(indicate date for each review)*	☒ No separate review
• Pharm/tox review(s), including referenced IND reviews *(indicate date for each review)*	6/27/17; 12/06/16
❖ Review(s) by other disciplines/divisions/Centers requested by P/T reviewer *(indicate date for each review)*	☒ None
❖ Statistical review(s) of carcinogenicity studies *(indicate date for each review)*	☒ No carc
❖ ECAC/CAC report/memo of meeting	☒ None Included in P/T review, page
❖ OSI Nonclinical Inspection Review Summary *(include copies of OSI letters)*	☒ None requested
Product Quality ☐ None	
❖ Product Quality Discipline Reviews[6]	
• Tertiary review (*indicate date for each review*)	not applicable
• Secondary review (e.g., Branch Chief) *(indicate date for each review)*	not applicable
• Integrated Quality Assessment (contains the Executive Summary and the primary reviews from each product quality review discipline) *(indicate date for each review)*	7/18/2017
❖ Reviews by other disciplines/divisions/Centers requested by product quality review team *(indicate date of each review)*	☒ None
❖ Environmental Assessment (check one) (original and supplemental applications)	
☒ Categorical Exclusion *(indicate review date)(all original applications and all efficacy supplements that could increase the patient population)*	See review dated 7/18/2017
☐ Review & FONSI *(indicate date of review)*	
☐ Review & Environmental Impact Statement *(indicate date of each review)*	
❖ Facilities Review/Inspection	
☒ Facilities inspections (indicate date of recommendation; within one week of taking an approval action, confirm that there is an acceptable recommendation before issuing approval letter) *(only original applications and efficacy supplements that require a manufacturing facility inspection(e.g., new strength, manufacturing process, or manufacturing site change)*	☒ Acceptable Re-evaluation date: n/a

[6] Do not include Master File (MF) reviews or communications to MF holders. However, these documents should be made available upon signatory request.

Day of Approval Activities	
❖ For all 505(b)(2) applications: • Check Orange Book for newly listed patents and/or exclusivity (including pediatric exclusivity)	☒ No changes ☐ New patent/exclusivity *(Notify CDER OND IO)*
• Finalize 505(b)(2) assessment	☒ Done
❖ For Breakthrough Therapy (BT) Designated drugs: • Notify the CDER BT Program Manager	☐ Done *(Send email to CDER OND IO)*
❖ For products that need to be added to the flush list (generally opioids): Flush List • Notify the Division of Online Communications, Office of Communications	☐ Done
❖ Send a courtesy copy of approval letter and all attachments to applicant by fax or secure email	☒ Done
❖ If an FDA communication will issue, notify Press Office of approval action after confirming that applicant received courtesy copy of approval letter	☐ Done
❖ Ensure that proprietary name, if any, and established name are listed in the *Application Product Names* section of DARRTS, and that the proprietary name is identified as the "preferred" name	☒ Done
❖ Ensure Pediatric Record is accurate	☒ Done
❖ Send approval email within one business day to CDER-APPROVALS	
❖ Take Action Package (if in paper) down to Document Room for scanning within **two business days**	

From: Whitehead, Richard
To: "Sudhir Kaushal"
Subject: NDA209875 NIKITA (pitavastatin): labeling
Date: Sunday, July 30, 2017 9:05:00 PM
Attachments: NDA209875 package-insertJul30.doc

Mr. Kaushal:

I am forwarding labeling containing FDA comments for NDA209875 NIKITA (pitavastatin). Please review the comments and accept all of the tracked-change comments that you agree with. For comments that you do not agree, place a new text box stating "Applicant Comment" in tracked-change format and include your justification for concerns and return this document to FDA by Close of Business Friday, August 4, 2017. Note that additional FDA comments may be coming and I will forward them if I receive any additional comments.

Let me know if you have any questions and please confirm receipt of this email.

Regards,
Rich

Richard Whitehead, MS; Regulatory Project Manager; FDA/CDER/OND/ODEII/ Division of Metabolism and Endocrinology Products;
(t) 301.796.4945; (f) 301.796.9712; richard.whitehead@fda.hhs.gov

23 Page(s) of Draft Labeling have been Withheld in Full as b4 (CCI/TS) immediately following this page

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/s/

RICHARD E WHITEHEAD
07/30/2017

M E M O R A N D U M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION
CENTER FOR DRUG EVALUATION AND RESEARCH

DATE: 5/23/2017

TO: Division of Metabolism and Endcrinology Products
Office of Drug Evaluation II

FROM: Division of New Drug Bioequivalence Evaluation (DNDBE)
Office of Study Integrity and Surveillance (OSIS)

SUBJECT: **Recommendation to accept data without an on-site inspection**

RE: NDA 209875

The Division of New Drug Bioequivalence Evaluation (DNDBE) within the Office of Study Integrity and Surveillance (OSIS) recommends accepting data without an on-site inspection. The rationale for this decision is noted below.

Rationale

OSIS recently inspected the sites listed below. The inspectional outcome from the inspections was classified as No Action Indicated (NAI).

Inspection Sites

Facility Type	Facility Name	Facility Address
(b) (4)		
Clinical	Accutest Research Laboratories (I) Pvt. Ltd. (Unit II)	Opposite Grand Bhagwati Hotel, Sarkhej-Gandhinagar Highway, Bodakdev, Ahmedabad, 380059, Gujarat, India

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/s/

SHILA S NKAH
05/23/2017

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring MD 20993

NDA 209875

INFORMATION REQUEST
PATENT CERTIFICATION OR VERIFICATION

Lupin Limited
Attention: Sudhir Kaushal
Director, Regulatory Affairs
111 South Calvert Street
Harborplace Tower, 24th Floor
Baltimore, MD 21202

Dear Mr. Kaushal:

Please refer to your New Drug Application (NDA) dated and received October 21, 2016, submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (FDCA), for Pitavastatin, 1 mg, 2 mg, and4 mg tablets.

We also refer to your amendment dated January 20, 2017. This amendment does not comply with 21 CFR 314.60(f), which was added by the final rule on Abbreviated New Drug Applications and 505(b)(2) Applications; Final Rule, 81 FR 69580 (October 6, 2016). The final rule became effective on December 5, 2016.

Section 314.60(f) requires that an amendment to an unapproved 505(b)(2) application contain an appropriate patent certification or statement described in 21 CFR 314.50(i), or a "recertification" for a previously submitted paragraph IV certification, if approval is sought for changes described in any of the following types of amendments:

- To add a new indication or other condition of use;
- To add a new strength;
- To make other than minor changes in product formulation; or
- To change the physical form or crystalline structure of the active ingredient.

If an amendment to the 505(b)(2) application does not contain a patent certification (or recertification) or statement, the applicant must verify that the proposed change described in the amendment is not one of the types of amendments described above.

We recommend that the cover letter for your response to this information request and for future amendments to your unapproved 505(b)(2) application either:

1) states that the amendment contains a patent certification (or recertification) or statement required by 21 CFR 314.60(f)(1); or
2) verifies that the proposed change described in the amendment is not one of the types of amendments described in 21 CFR 314.60(f)(1), as appropriate.

Your response to this information request must clearly reference your amendment dated January 20, 2017.

If you have any questions, contact me at (301) 796-4945.

Sincerely,

{See appended electronic signature page}

Richard Whitehead, M.S.
Senior Regulatory Project Manager
Division of Metabolism and Endocrinology Products
Office of Drug Evaluation II
Center for Drug Evaluation and Research

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/s/

RICHARD E WHITEHEAD
04/25/2017

From: Sudhir Kaushal
To: Whitehead, Richard
Subject: RE: NDA 209875 Pitavastatin: information Request
Date: Thursday, February 23, 2017 11:17:54 AM

Mr. Whitehead,

I confirm the receipt of the trailing email. I am gathering the information as per your request and once I get the information, I will reach out to you.

Thanks & best regards,

Sudhir Kaushal, RAC
Director, Regulatory Affairs
Lupin Pharmaceuticals Inc.
Direct line: 443-740-9337
Office: 410-576-2000 Ext. 2338
Cell no: (b) (6)

From: Whitehead, Richard [mailto:Richard.Whitehead@fda.hhs.gov]
Sent: Thursday, February 23, 2017 11:11 AM
To: Sudhir Kaushal
Subject: NDA 209875 Pitavastatin: information Request

Mr. Kaushal,

In reference to NDA 209875 Pitavastatin, please provide the following information by March 2, 2017.

" Provide the Toxicokinetic Report for study number DSAG0289, titled "28-Day toxicity study of Pitavastatin Sodium (LGP004) in rats followed by 14-Day Recovery", or report the location of that information in the application."

Let me know if you have any questions and kindly confirm receipt of this email.

Regards,

Rich

Richard Whitehead, MS; Regulatory Project Manager; FDA/CDER/OND/ODEII/ Division of Metabolism and Endocrinology Products;
(t) 301.796.4945; (f) 301.796.9712; richard.whitehead@fda.hhs.gov

you have received this message in error, please notify the original sender by return E-mail and delete this message, along with any attachments, from your computer.

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/s/

RICHARD E WHITEHEAD
02/23/2017

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring MD 20993

NDA 209875

PROPRIETARY NAME REQUEST
CONDITIONALLY ACCEPTABLE

Lupin Limited
c/o Lupin Pharmaceuticals, Inc.
111 South Calvert Street
Harborplace Tower, 24th Floor
Baltimore, MD 21202

ATTENTION: Sudhir Kaushal
Director, Regulatory Affairs

Dear Mr. Kaushal:

Please refer to your New Drug Application (NDA) dated and received October 21, 2016, submitted under section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act for Pitavastatin Tablets, l mg, 2 mg, and 4 mg.

We also refer to your correspondence, dated and received December 9, 2016, requesting review of your proposed proprietary name, Nikita.

We have completed our review of the proposed proprietary name, Nikita and have concluded that it is conditionally acceptable.

If any of the proposed product characteristics as stated in your above submission are altered prior to approval of the marketing application, the proprietary name should be resubmitted for review. Additionally, if your application receives a complete response, a new request for name review for your proposed name should be submitted when you respond to the application deficiencies.

If you require information on submitting requests for proprietary name review or PDUFA performance goals associated with proprietary name reviews, we refer you to the following:

- Guidance for Industry Contents of a Complete Submission for the Evaluation of Proprietary Names (http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM075068.pdf)
- PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017, (http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM270412.pdf)

If you have any questions regarding the contents of this letter or any other aspects of the proprietary name review process, contact Deveonne Hamilton-Stokes, Safety Regulatory Project Manager in the Office of Surveillance and Epidemiology, at (301) 796-2253. For any other information regarding this application, contact Richard Whitehead, Regulatory Project Manager, in the Office of New Drugs at (301) 796-4945.

Sincerely,

{See appended electronic signature page}

Todd Bridges, RPh
Director
Division of Medication Error Prevention and Analysis
Office of Medication Error Prevention and Risk Management
Office of Surveillance and Epidemiology
Center for Drug Evaluation and Research

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/s/

DANIELLE M HARRIS on behalf of TODD D BRIDGES
02/14/2017

From: Sudhir Kaushal
To: Whitehead, Richard
Subject: RE: NDA No. 209875 - Request for Permission to Use FedEx in Lieu of Certified Mail for Sending Para. IV Notice
Date: Tuesday, January 03, 2017 2:58:51 PM

Thank you so much Mr. Whitehead!

Best regards,

Sudhir Kaushal, RAC
Director, Regulatory Affairs
Lupin Pharmaceuticals Inc.
Direct line: 443-740-9337
Office: 410-576-2000 Ext. 2338
Cell no: (b) (6)

From: Whitehead, Richard [mailto:Richard.Whitehead@fda.hhs.gov]
Sent: Tuesday, January 03, 2017 2:53 PM
To: Sudhir Kaushal
Subject: FW: NDA No. 209875 - Request for Permission to Use FedEx in Lieu of Certified Mail for Sending Para. IV Notice

Dear Mr. Kaushal:

FDA received an email (copied below) on December 28, 2016, from Constantine Koutsoubas in reference to your pitavastatin tablets (NDA 209875). Because Mr. Koutsoubas is not listed as your regulatory contact, I am providing the response to you and you may convey the information to Mr. Koutsoubas at your discretion. For future reference, all communications should go through your Regulatory Project Manager in your review division.

Mr. Koutsoubas requested that FDA "confirm that the December 16, 2016, letter is the 'paragraph IV acknowledgment letter' envisioned by new 21 CFR 314.95."

As a preliminary matter, we note that 21 CFR 314.52 (rather than 21 CFR 314.95) describes the requirements for notice of a paragraph IV certification submitted in a 505(b)(2) application. The December 16, 2016, filing communication is the "paragraph IV acknowledgment letter" described in 21 CFR 314.52(b) and the "postmark" is 4 calendar days after the date on which the letter was signed. Notice of the paragraph IV certification must be sent to the persons described in 21 CFR 314.52(a) no later than 20 days after the date of the postmark on the paragraph IV acknowledgment letter and must contain the information described in 21 CFR 314.52(c).

Mr. Koutsoubas also requested permission to use FedEx in lieu of certified U.S. Mail for purposes of sending the Notice Letter to the NDA holder and each patent holder and to document receipt of the notice.

Federal Express meets the criteria in 21 CFR 314.52(g) for a designated delivery service and thus is an acceptable method of sending notice of a paragraph IV certification and documenting timely sending and receipt of notice of paragraph IV certification

Let me know if you have any questions and please confirm receipt of this email.

Regards,
Rich

Richard Whitehead, MS; Regulatory Project Manager; FDA/CDER/OND/ODEII/ Division of Metabolism and Endocrinology Products;
(t) 301.796.4945; (f) 301.796.9712; richard.whitehead@fda.hhs.gov

From: CDER OND IO (Mailbox)
Sent: Saturday, December 31, 2016 7:23 AM
To: 'Koutsoubas, Constantine'
Subject: RE: NDA No. 209875 - Request for Permission to Use FedEx in Lieu of Certified Mail for Sending Para. IV Notice

Dear Mr. Koutsoubas,

I've forwarded your email to Richard Whitehead, the project manager identified in the letters you attached. He will be in touch next week.

Best,

Rachel

From: Koutsoubas, Constantine [mailto:CKoutsoubas@KelleyDrye.com]
Sent: Wednesday, December 28, 2016 11:02 AM
To: CDER OND IO (Mailbox)
Cc: Jacob, Beth; Hochstetler, Douglass; Rao, Malavika
Subject: NDA No. 209875 - Request for Permission to Use FedEx in Lieu of Certified Mail for Sending Para. IV Notice

Dear Office of New Drugs,

I am an attorney representing Lupin Ltd.

Lupin recently received the attached letter dated December 16, 2016 indicating that Lupin's pending 505(b)(2) NDA for Pitavastatin Tablets (NDA No. 209875) was sufficiently complete to permit substantive review. I have also attached the October 27, 2016 acknowledgement that NDA 209875 was received on October 21, 2016. Can you please confirm that the December 16, 2016 letter is the "paragraph IV acknowledgment letter" envisioned by new 21 CFR 314.95?

If that is the case, and since this 505(b)(2) NDA contains a Paragraph IV patent certification, we request permission to use FedEx in lieu of certified U.S. Mail for purposes of sending the Notice Letter to the NDA and the patent holder and to document receipt of the notice.

Thank you for your assistance.

Dino Koutsoubas | Kelley Drye & Warren LLP
333 West Wacker Drive, 26th Floor
Chicago, IL 60606-1227
Phone: 312.857.2321
Fax: 312.857.7095
www.kelleydrye.com

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/s/

RICHARD E WHITEHEAD
01/03/2017

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring MD 20993

NDA 209875

PROPRIETARY NAME ACKNOWLEDGEMENT

Lupin Limited
Lupin Pharmaceuticals, Inc.
111 South Calvert Street,
Harborplace Tower, 24th Floor,
Baltimore, MD 21202

ATTENTION: Sudhir Kaushal
Director, Regulatory Affairs

Dear Mr. Kaushal:

Please refer to your New Drug Application (NDA) dated and received October 21, 2016, submitted under section 505(b) (2) of the Federal Food, Drug, and Cosmetic Act for Pitavastatin Tablets, l mg, 2 mg and 4 mg.

We acknowledge receipt of your correspondence, dated and received December 9, 2016, requesting a review of your proposed proprietary name, Nikita.

The user fee goal date is March 9, 2017.

If you have any questions regarding the contents of this letter or any other aspects of the proprietary name review process, contact Deveonne Hamilton-Stokes, Safety Regulatory Project Manager in the Office of Surveillance and Epidemiology, at (301) 796-2253. For any other information regarding this application, contact Richard Whitehead, Regulatory Project Manager, in the Office of New Drugs at (301) 796-4945.

Sincerely,

{See appended electronic signature page}

Deveonne Hamilton-Stokes, RN, BSN, MA
Safety Regulatory Project Manager
Office of Surveillance and Epidemiology
Center for Drug Evaluation and Research

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/s/

DEVEONNE G HAMILTON-STOKES
12/21/2016

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring MD 20993

NDA 209875

FILING COMMUNICATION -
FILING REVIEW ISSUES IDENTIFIED

Lupin Limited
Attention: Sudhir Kaushal
Director, Regulatory Affairs
111 South Calvert Street
Baltimore, MD 21202

Dear Mr. Kaushal:

Please refer to your New Drug Application (NDA) dated and received October 21, 2016, submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (FDCA), for pitavastatin tablets.

We also refer to your amendments dated November 22, and December 2, 2016.

We have completed our filing review and have determined that your application is sufficiently complete to permit a substantive review. Therefore, in accordance with 21 CFR 314.101(a), this application is considered filed 60 days after the date we received your application. The review classification for this application is **Standard**. Therefore, the user fee goal date is **August 21, 2017**.

We are reviewing your application according to the processes described in the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products. Therefore, we have established internal review timelines as described in the guidance, which includes the timeframes for FDA internal milestone meetings (e.g., filing, planning, mid-cycle, team and wrap-up meetings). Please be aware that the timelines described in the guidance are flexible and subject to change based on workload and other potential review issues (e.g., submission of amendments). We will inform you of any necessary information requests or status updates following the milestone meetings or at other times, as needed, during the process. If major deficiencies are not identified during the review, we plan to communicate proposed labeling and, if necessary, any postmarketing commitment requests by **July 24, 2017**.

During our filing review of your application, we identified the following potential review issue:

NONCLINICAL

Your NDA contains a 28-day bridging rat study comparing the toxicity of two different salt forms of pitavastatin, pitavastatin sodium (the proposed drug) and pitavastatin calcium (produced in-house). The safety concern regarding substitution of the calcium counter-ion of the listed drug Livalo with sodium is minimal. In order to bridge the impurity profile of the proposed drug to

that of the listed drug Livalo, the bridging toxicity study should have included Livalo as the comparator instead of pitavastatin calcium produced in-house. Whether or not the clinical, CMC and other nonclinical data are sufficient to establish an acceptable scientific bridge between your proposed pitavastatin sodium product and that of the listed drug Livalo is a review issue.

We are providing the above comment to give you preliminary notice of a potential review issue. Our filing review is only a preliminary evaluation of the application and is not indicative of deficiencies that may be identified during our review. Issues may be added, deleted, expanded upon, or modified as we review the application. If you respond to these issues during this review cycle, we may not consider your response before we take an action on your application.

PRESCRIBING INFORMATION

Your proposed prescribing information (PI) must conform to the content and format regulations found at 21 CFR 201.56(a) and (d) and 201.57. As you develop your proposed PI, we encourage you to review the labeling review resources on the *PLR Requirements for Prescribing Information* and *Pregnancy and Lactation Labeling Final Rule* websites, which include:

- The Final Rule (Physician Labeling Rule) on the content and format of the PI for human drug and biological products;
- The Final Rule (Pregnancy and Lactation Labeling Rule) on the content and format of information in the PI on pregnancy, lactation, and females and males of reproductive potential;
- Regulations and related guidance documents;
- A sample tool illustrating the format for Highlights and Contents;
- The Selected Requirements for Prescribing Information (SRPI) − a checklist of important format items from labeling regulations and guidances, and
- FDA's established pharmacologic class (EPC) text phrases for inclusion in the Highlights Indications and Usage heading.

During our preliminary review of your submitted labeling, we have identified the following labeling issue and have the following labeling comments:

When clinical trials adverse reactions data (Package Insert section 6.1) are included, the following verbatim statement should precede the presentation of adverse reactions from clinical trials: "Because clinical trials are conducted under widely varying conditions, adverse reaction rates observed in the clinical trials of a drug cannot be directly compared to rates in the clinical trials of another drug and may not reflect the rates observed in practice."

We request that you resubmit labeling (in Microsoft Word format) that addresses these issues by **January 24, 2017**. The resubmitted labeling will be used for further labeling discussions. Use the SRPI checklist to correct any formatting errors to ensure conformance with the format items in regulations and guidances.

At the end of labeling discussions, use the SRPI checklist to ensure that the PI conforms with format items in regulations and guidances.

REQUIRED PEDIATRIC ASSESSMENTS

Under the Pediatric Research Equity Act (PREA) (21 U.S.C. 355c), all applications for new active ingredients, new indications, new dosage forms, new dosing regimens, or new routes of administration are required to contain an assessment of the safety and effectiveness of the product for the claimed indication(s) in pediatric patients unless this requirement is waived, deferred, or inapplicable.

We acknowledge receipt of your request for a full waiver of pediatric studies for this application. Once we have reviewed your request, we will notify you if the full waiver request is denied and a pediatric drug development plan is required.

If you have any questions, call Richard Whitehead, M.S., Regulatory Project Manager, at (301) 796-4945.

Sincerely,

{See appended electronic signature page}

Jean-Marc Guettier, M.D.
Director
Division of Metabolism and Endocrinology Products
Office of Drug Evaluation II
Center for Drug Evaluation and Research

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/s/

JAMES P SMITH
12/16/2016
for Jean-Marc Guettier

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Silver Spring MD 20993

NDA 209875

NDA ACKNOWLEDGMENT

Lupin Limited
Lupin Pharmaceuticals, Inc.
Attention: Mr. Sudhir Kaushal
Director - Regulatory Affairs
111 South Calvert Street
Harborplace Tower, 24th Floor
Baltimore, MD 21202

Dear Mr. Kaushal:

We have received your New Drug Application (NDA) submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (FDCA) for the following:

Name of Drug Product: pitavastatin tablets

Date of Application: October 21, 2016

Date of Receipt: October 21, 2016

Our Reference Number: NDA 209875

Unless we notify you within 60 days of the receipt date that the application is not sufficiently complete to permit a substantive review, we will file the application on **December 20, 2016,** in accordance with 21 CFR 314.101(a).

PREGNANCY AND LACTATION LABELING RULE

Your prescribing information (PI) must comply with the Pregnancy and Lactation Labeling Rule (PLLR) content and format requirements [see *Content and Format of Labeling for Human Prescription Drug and Biological Products, Requirements for Pregnancy and Lactation Labeling* (79 FR 72063, December 4, 2014), codified at 21 CFR 201.56 and 201.57(c)(9)]. Therefore, resubmit labeling in PLLR format by **December 20, 2016**. The submission should include a review and summary of the available published literature regarding drug use in pregnant and lactating women, a review and summary of reports from your pharmacovigilance database, and an interim or final report of an ongoing or closed pregnancy registry (if applicable), which should be located in Module 1. Refer to the *draft guidance for industry – Pregnancy, Lactation, and Reproductive Potential: Labeling for Human Prescription Drug and Biological Products – Content and Format*

(http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM425398.pdf).

You are also responsible for complying with the applicable provisions of sections 402(i) and 402(j) of the Public Health Service Act (PHS Act) [42 USC §§ 282 (i) and (j)], which was amended by Title VIII of the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Public Law No, 110-85, 121 Stat. 904).
The NDA number provided above should be cited at the top of the first page of all submissions to this application. Send all submissions, electronic or paper, including those sent by overnight mail or courier, to the following address:

Food and Drug Administration
Center for Drug Evaluation and Research
Division of Metabolism and Endocrinology Products
5901-B Ammendale Road
Beltsville, MD 20705-1266

Secure email between CDER and applicants is useful for informal communications when confidential information may be included in the message (for example, trade secrets or patient information). If you have not already established secure email with the FDA and would like to set it up, send an email request to SecureEmail@fda.hhs.gov. Please note that secure email may not be used for formal regulatory submissions to applications.

If you have any questions, call me at (301) 796-4945.

Sincerely,

{See appended electronic signature page}

Richard Whitehead, M.S.
Senior Regulatory Project Manager
Division of Metabolism and Endocrinology Products
Office of Drug Evaluation II
Center for Drug Evaluation and Research

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/s/

RICHARD E WHITEHEAD
10/27/2016