

NDA 021572/S-070

## SUPPLEMENT APPROVAL

Cubist Pharmaceuticals, LLC, a subsidiary of Merck Sharpe & Dohme, LLC  
Attention: Chanel Wong  
Senior Scientist, Global Regulatory Affairs  
351 North Sumneytown Pike, P.O. Box 1000  
Upper Gwynedd, PA 19454-2505

Dear Chanel Wong:

Please refer to your supplemental new drug application (sNDA) dated and received March 17, 2025, submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (FDCA) for Cubicin (daptomycin for injection) and Cubicin RF (daptomycin for injection).

This “Changes Being Effected” sNDA provides revisions to the prescribing information (PI), adding hyperkalemia to **ADVERSE REACTIONS (6)** section, **Post-Marketing Experience (6.2)** subsection, under the *Metabolic and Nutritional Disorders* subheading.

### **APPROVAL & LABELING**

We have completed our review of this application. It is approved, effective on the date of this letter, for use as recommended in the enclosed agreed-upon labeling.

### **CONTENT OF LABELING**

As soon as possible, but no later than 14 days from the date of this letter, submit the content of labeling [21 CFR 314.50(l)] in structured product labeling (SPL) format using the FDA automated drug registration and listing system (eLIST), as described at FDA.gov.<sup>1</sup> Content of labeling must be identical to the enclosed labeling (text for the Prescribing Information), with the addition of any labeling changes in pending “Changes Being Effected” (CBE) supplements, as well as annual reportable changes not included in the enclosed labeling. If the content of labeling in SPL format initially submitted with this CBE-0 labeling supplement is identical to the attached approved labeling, an additional submission of content of labeling in SPL format is not required.

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<sup>1</sup> <http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm>

Information on submitting SPL files using eList may be found in the guidance for industry *SPL Standard for Content of Labeling Technical Qs and As*.<sup>2</sup>

The SPL will be accessible from publicly available labeling repositories.

Also within 14 days, amend all pending supplemental applications that include labeling changes for this NDA, including CBE supplements for which FDA has not yet issued an action letter, with the content of labeling [21 CFR 314.50(l)(1)(i)] in Microsoft Word format, that includes the changes approved in this supplemental application, as well as annual reportable changes. To facilitate review of your submission(s), provide a highlighted or marked-up copy that shows all changes, as well as a clean Microsoft Word version. The marked-up copy should provide appropriate annotations, including supplement number(s) and annual report date(s).

### **PATENT LISTING REQUIREMENTS**

Pursuant to 21 CFR 314.53(d)(2) and 314.70(f), certain changes to an approved NDA submitted in a supplement require you to submit patent information for listing in the Orange Book upon approval of the supplement. You must submit the patent information required by 21 CFR 314.53(d)(2)(i)(A) through (C) and 314.53(d)(2)(ii)(A) and (C), as applicable, to FDA on Form FDA 3542 within 30 days after the date of approval of the supplement for the patent information to be timely filed (see 21 CFR 314.53(c)(2)(ii)). You also must ensure that any changes to your approved NDA that require the submission of a request to remove patent information from the Orange Book are submitted to FDA at the time of approval of the supplement pursuant to 21 CFR 314.53(d)(2)(ii)(B) and 314.53(f)(2)(iv).

### **REPORTING REQUIREMENTS**

We remind you that you must comply with reporting requirements for an approved NDA (21 CFR 314.80 and 314.81).

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<sup>2</sup> We update guidances periodically. For the most recent version of a guidance, check the FDA Guidance Documents Database <https://www.fda.gov/RegulatoryInformation/Guidances/default.htm>.

If you have any questions, contact J. Christopher Davi, MS, Senior Regulatory Project Manager, at (301) 796-0702 or [Christopher.Davi@fda.hhs.gov](mailto:Christopher.Davi@fda.hhs.gov).

Sincerely,

*{See appended electronic signature page}*

Mukil Natarajan, MD  
Deputy Director for Safety  
Division of Anti-Infectives  
Office of Infectious Diseases  
Office of New Drugs  
Center for Drug Evaluation and Research

ENCLOSURE:

- Content of Labeling
  - Prescribing Information

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**This is a representation of an electronic record that was signed electronically. Following this are manifestations of any and all electronic signatures for this electronic record.**  
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/s/  
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MUKILAN NATARAJAN  
05/12/2025 09:44:04 AM