ANDA 76-153 March 27, 2002

Gensia Sicor Pharmaceuticals, Inc.
Attention: Elvia O. Gustavson
19 Hughes
Irvine, CA 92618-1902

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated March 30, 2001, submitted pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act (Act), for Pamidronate Disodium Injection, 3 mg/mL (packaged in 30 mg/10 mL single-use vials), and 9 mg/mL (packaged in 90 mg/10 mL single-use vials).

Reference is also made to our Tentative Approval letter dated February 28, 2002, and to your amendment dated March 19, 2002, requesting that the application be approved. Further reference is made to the suitability petition submitted under Section 505(j)(2)(C) of the Act and approved on April 18, 2000, allowing you to submit an ANDA for a drug product that differs in dosage form from the reference listed drug product (RLD). Specifically, your product is intended as a ready-to-use product in contrast to the reference listed drug which is a lyophilized product that requires reconstitution prior to administration.

The listed drug product referenced in your application (RLD), Aredia Injection of Novartis Pharmaceuticals Corp., is subject to a period of patent protection which expires on July 29, 2005, (U.S. patent 4,711,880, the '880 patent). Your application contains a Paragraph IV Certification to the '880 patent under Section 505(j)(2)(A)(vii)(IV) of the Act stating that your manufacture, use or sale of this drug product will not infringe the ‘880 patent. Section 505(j)(5)(B)(iii) of the Act provides that approval of an abbreviated application shall be made effective immediately unless you are sued for patent infringement. This legal action must be brought against you before the expiration of forty-five days from the date the notice provided under paragraph (2)(B)(i) is received by the owner of the new drug application (NDA) for the reference listed drug product, Aredia® Injection, and the patent holder. You have

notified the agency that Gensia Sicor Pharmaceuticals, Inc. (Gensia) has complied with the requirements of Section 505(j)(2)(B) of the Act and that no action for infringement was brought against Gensia within the statutory forty-five day period.

Furthermore, the Act provides that approval of an ANDA such as yours that contains a certification described in section 505(j)(2)(A)(vii)(IV) (a "Paragraph IV Certification"), and that provides for approval of the same drug product as that for which another ANDA also containing a Paragraph IV Certification was previously received by the agency, shall be made effective not earlier than one hundred and eighty (180) days after:

(1) the date the Secretary receives notice from the applicant of the previous application of the first commercial marketing of the drug product approved under the previous application, or

(2) the date of a decision of a court holding the patent which is the subject of the certification to be invalid or not infringed, whichever option occurs first (Section 505(j)(5)(B)(iv)).

In this instance, another abbreviated application for Pamidronate Disodium Injection containing a Paragraph IV Certification was accepted for filing by this office prior to receipt of your application. Accordingly, your application would not be eligible for full approval until 180-days following the earlier of event 1. or 2. stated above. However, the agency received a communication dated March 19, 2002, from the holder of the ANDA which the agency has identified as being the first ANDA filed for this drug product. This letter informs the agency that the holder has relinquished its eligibility for 180-day exclusivity with respect to Pamidronate Disodium Injection. Thus by relinquishing its eligibility for 180-day exclusivity, this applicant recognizes that the relinquishment will apply to all ANDAs for this drug product, and that this Office may approve any such ANDA without regard to the 180-day exclusivity period specified in Section 505(j)(5)(B)(iv).

We have completed the review of this ANDA and have concluded that based upon the information you have presented to date, the drug is safe and effective for use as recommended in the submitted labeling. Accordingly, the application is approved. The Division of Bioequivalence has determined your Pamidronate Disodium Injection, 3 mg/mL and 9 mg/mL, can be expected to have

the same therapeutic effect at that of the reference listed drug product upon which the agency relied as the basis of safety and effectiveness.

Under Section 505(A) of the Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change may be made.

Post-marketing reporting requirements for this ANDA 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 this drug.

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. Please submit all proposed materials in draft or mock-up form, not final print. Submit both copies together with a copy of the proposed or final printed labeling to the Division of Drug Marketing, Advertising, and Communications (HFD-40). Please do not use Form FD-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 FD-2253 at the time of their initial use.

Validation of the regulatory methods has not been completed. It is the policy of the Office not to withhold approval until the validation is complete. We acknowledge your commitment to satisfactorily resolve any deficiencies associated with the validation process that may be identified.

Sincerely yours,

Gary Buehler
Director
Office of Generic Drugs
Center for Drug Evaluation and Research