DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 076697

Nostrum Pharmaceuticals, LLC
Attention: Zoia Ploscaru
Contact/Agent
1800 N. Topping Avenue
Kansas City, MO 64120

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated March 26, 2003, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Carbamazepine Extended-release Capsules, 100 mg, 200 mg, and 300 mg.

Reference is also made to your amendments dated January 19, February 23, and October 5, 2004; September 3, September 25, 2008; January 15, March 26, May 25, June 10, July 20, August 17, September 3, September 29, and October 6, 2009; and February 17, February 23, February 24, March 10, March 15, and April 1, 2011.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug is safe and effective for use as recommended in the submitted labeling. Accordingly the ANDA is approved, effective on the date of this letter. The Division of Bioequivalence has determined your Carbamazepine Extended-release Capsules, 100 mg, 200 mg, and 300 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Carbatrol Capsules of Shire Pharmaceutical, Inc. Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

Apparatus:	USP Apparatus 2 (paddle)
Rotation Speed:	75 rpm
Medium:	First 4 hours: Dilute acid, pH 1.1 with 1.8% β-cyclodextrin, 600 mL After 4 hours: 50 mM Phosphate Buffer, pH 7.5 with 1.1% β-cyclodextrin, 1000 mL
Sampling Times:	1, 4, 8 and 10 hours
Specifications:	300 mg strength: 1 hr: (b) (4) 4 hr: (b) (4); 8 hr: NLT (b) (4) 100 mg and 200 mg strength: 1 hr: (b) (4); 4 hr (b) (4) 8 hr: NLT (b) (4)

The "interim" dissolution test(s) and tolerances should be finalized by submitting dissolution data from the first three production size batches. These data should be submitted as a "Special Supplement – Changes Being Effected" if there are no revisions to be made to the "interim" specifications or if 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 RLD upon which you have based your ANDA, Shires's Carbatrol Capsules, is subject to periods of patent protection. As noted in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"), U.S. Patent Nos. 5,326,570 (the '570 patent) and 5,912,013 (the '013 patent) are scheduled to expire on July 5, 2011, and June 15, 2016, respectively.

With respect to both patents, your ANDA contains paragraph IV certifications under section 505(j)(2)(A)(vii)(IV) of the Act stating that each patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Carbamazepine Extended-release Capsules, 100 mg, 200 mg, and 300 mg, under this ANDA. You have notified the agency that Nostrum Pharmaceuticals, LLC (Nostrum) complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation for infringement of the '570 and '013 patents was initiated against Nostrum within the statutory 45-day period in the United States District Court for the District of New Jersey [Shire LLC v. Nostrum Pharmaceuticals, Inc. and Nostrum Pharmaceuticals, LLC, Civil Action No. 03-cv-04436-MLC and 03:08-cv-03309-MLC-TJB]. You informed the agency that this litigation was resolved by means of a settlement agreement, referred to in a judgment and order entered by the court on March 22, 2010.

With respect to 180-day generic drug exclusivity for the 300 mg strength only, we note that Nostrum was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification to the listed patents. Therefore, with this approval, Nostrum is eligible for generic drug exclusivity for Carbamazepine Extended-release Capsules, 300 mg. The agency has determined that this exclusivity is only with respect to the '570 patent.[1] This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the earlier of the commercial marketing or court decision dates identified in section 505(j)(5)(B)(iv). Please submit correspondence to this ANDA informing the agency of the date the exclusivity begins to run.

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

[1] Because your ANDA was filed before the date of enactment of the Medicare Prescription Drug, Improvement and Modernization Act (MMA) (Public Law 108-173) on December 8, 2003, all references to the 180-day exclusivity provision are to the section of the Act as in effect prior to December 8, 2003. See MMA § 1102(b)(1). Nostrum has no exclusivity remaining associated with its paragraph IV certification to the '013 patent; that exclusivity was triggered (by a 2009 district court decision that the '013 patent is not infringed) and has expired. This is explained in greater detail in a letter issued by this office to another applicant; a copy of the letter has been sent to Nostrum.

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.

Promotional materials may be submitted to FDA for comment prior to publication or dissemination. Please note that these submissions are voluntary. If you desire comments on proposed launch promotional materials with respect to compliance with applicable regulatory requirements, we recommend you submit, in draft or mock-up form, two copies of both the promotional materials and package insert(s) directly to:

Food and Drug Administration
Center for Drug Evaluation and Research
Division of Drug Marketing, Advertising, and Communications
5901-B Ammendale Road
Beltsville, MD 20705

We call your attention to 21 CFR 314.81(b)(3) which requires that all promotional materials be submitted to the Division of Drug Marketing, Advertising, and Communications with a completed Form FDA 2253 at the time of their initial use.

As soon as possible, but no later than 14 days from the date of this letter, submit, using the FDA automated drug registration and listing system (eLIST), the content of labeling [21 CFR 314.50(l)] in structured product labeling (SPL) format, as described at http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm, that is identical in content to the approved labeling (including the package insert, and any patient package insert and/or Medication Guide that may be required). Information on submitting SPL files using eLIST may be found in the guidance for industry titled "SPL Standard for Content of Labeling Technical Qs and As" at http://www.fda.gov/downloads/DrugsGuidanceComplianceRegulatoryInformation/Guidances/UCM072392.pdf The SPL will be accessible via publicly available labeling repositories.

Sincerely yours,

{See appended electronic signature page}

Keith Webber, Ph.D.
Deputy Director
Office of Pharmaceutical Science
Center for Drug Evaluation and Research

This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.

/s/

KEITH O WEBBER
05/20/2011