DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 77-560

Lupin Pharmaceuticals Inc.
U.S. Agent for: Lupin Limited
Attention: Leslie Sands
Director, Regulatory Affairs (U.S.A.)
Harborplace Tower
111 South Calvert Street, 21st Floor
Baltimore, MD 21202

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated February 5, 2005, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Ziprasidone Hydrochloride Capsules, 20 mg (base), 40 mg (base), 60 mg (base), and 80 mg (base).

Reference is also made to your amendments dated December 6, and December 23, 2005; and November 3, 2006. We also acknowledge receipt of your correspondence dated May 13, and July 1, 2005; and April 25, 2007, addressing the patent issues noted below.

We have completed the review of this ANDA, and based upon the information you have presented to date we have concluded that the drug is safe and effective for use as recommended in the submitted labeling. However we are unable to grant final approval to your ANDA at this time because of the patent issue discussed below. Therefore, the ANDA is **tentatively approved.** This determination is based upon information available to the agency at this time (i.e., information in your ANDA and the status of current good manufacturing practices (cGMPs) of the facilities used in the manufacture and testing of the drug product). This determination is subject to change on the basis of new information that may come to our attention. This letter does not address issues related to the 180-day exclusivity provisions under section 505(j)(5)(B)(iv) of the Act.

The reference listed drug (RLD) upon which you have based your ANDA, Geodon Capsules of Pfizer, Inc., is subject to periods of patent protection. The following patents and expiration dates are currently listed in the agency's publication titled Approved

Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book") for this drug product:

U.S. Patent Number	Expiration Date
4,831,031 (the '031 patent)	March 2, 2012
5,312,925 (the '925 patent)	September 1, 2012
6,150,366 (the '366 patent)	May 27, 2019
6,245,766 (the '766 patent)	December 18, 2018

With respect to the '766 patent, your ANDA contains a statement under section 505(j)(2)(A)(viii) of the Act indicating that this is a method of use patent, and that it does not claim any of the indications for which you are seeking approval.

With respect to the '925 and '366 patents, your ANDA contains paragraph IV certifications under section 505(j)(2)(A)(vii)(IV) of the Act stating that these patents are invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Ziprasidone Hydrochloride Capsules under this ANDA. Section 505(j)(5)(B)(iii) of the Act provides that approval of an ANDA shall be made effective immediately unless action was brought against Lupin Limited (Lupin) for infringement of one or more of these patents that were the subjects of paragraph IV certifications. You have notified the agency that Lupin complied with the requirements of section 505(j)(2)(B) of the Act, and that no action for infringement of the '925 or '366 patents was brought against Lupin within the statutory 45-day period, which action would have resulted in a 30-month stay of approval under section 505(j)(5)(B)(iii).

With respect to the '031 patent, your ANDA contains a paragraph III certification under section 505(j)(2)(A)(vii)(III) of the Act stating that you will not market this drug product prior to the expiration of this patent. Therefore, final approval of this ANDA cannot be granted until the '031 patent expires on March 2, 2012. It is for this reason that your ANDA is tentatively approved.

To reactivate your ANDA prior to final approval, please submit a "MINOR AMENDMENT - FINAL APPROVAL REQUESTED" 90 days prior to the date you believe that your ANDA will be eligible for final approval. This amendment should provide the legal/regulatory basis for your request for final approval, and it should also identify changes, if any, in the conditions under which the product was tentatively approved, i.e., updated information such as final-printed labeling, chemistry, manufacturing, and controls data as appropriate. This amendment should be

submitted even if none of these changes were made. This amendment should be designated clearly in your cover letter as a "MINOR AMENDMENT - FINAL APPROVAL REQUESTED".

In addition to the amendment requested above, the agency may request at any time prior to the date of final approval that you submit an additional amendment containing the requested information. Failure to submit either or, if requested, both amendments may result in rescission of the tentative approval status of your ANDA, or may result in a delay in the issuance of the final approval letter.

Any significant changes in the conditions outlined in this ANDA as well as changes in the status of the manufacturing and testing facilities' compliance with current good manufacturing practices (cGMPs) are subject to agency review before final approval of the ANDA will be made. Such changes should be submitted as an amendment to the ANDA and categorized as representing either "major" or "minor" changes. The amendment will be reviewed according to OGD policy in effect at the time of receipt. Your submission of multiple amendments prior to final approval may also lead to a delay in the issuance of the final approval letter.

This drug product may not be marketed without final agency approval under section 505 of the Act. The introduction or delivery for introduction into interstate commerce of this drug product before the final approval date is prohibited under section 301 of the Act. Also, until the agency issues the final approval letter, this drug product will not be deemed approved for marketing under section 505 of the Act and will not be listed in the "Orange Book." Should you believe that there are grounds for issuing the final approval letter prior to March 2, 2012, you should amend your ANDA accordingly.

For further information on the status of this ANDA or upon submitting an amendment to the ANDA, please contact Leigh Ann Matheny, Project Manager, at (301) 827-9275.

Sincerely yours,

{See appended electronic signature page}

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