DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 77-571

Caraco Pharmaceuticals Laboratories, Ltd.
Attention: Derrick Mann
Director, Regulatory Affairs
1150 Elijah McCoy Drive
Detroit, MI 48202

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated February 9, 2005, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Repaglinide Tablets USP, 0.5 mg, 1 mg, and 2 mg.

Reference is also made to your amendments dated April 13, June 22, September 30, and November 22, 2006; April 3, June 13, November 22, and December 28, 2006; and April 13, and August 8, 2007.

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 noted 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 manufacturing and testing of the drug product) and is therefore 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, Prandin, 0.5 mg, 1 mg, and 2 mg, of Novo Nordisk Pharmaceuticals, Inc., 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. 6,677,358 (the '358

patent) and RE37035 (the '035 patent) are scheduled to expire on June 12, 2018 and March 14, 2009, respectively.

With respect to the ‘358 patent, your ANDA contains a paragraph IV certification under section 505(j)(2)(A)(vii)(IV) of the Act stating that the patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Repaglinide Tablets USP, 0.5 mg, 1 mg, and 2 mg, under this ANDA. Section 505(j)(5)(B)(iii) of the Act provides that approval of an ANDA shall be made effective immediately, unless an action is brought against Caraco Pharmaceutical Laboratories, Ltd. (Caraco) for infringement of a patent that was the subject of the paragraph IV certifications. This action must have been brought against Caraco prior to the expiration of 45 days from the date the notice you provided under section 505 (j)(2)(B)(i) was received by the NDA/patent holder(s). You notified the agency that Caraco complied with the requirements of section 505(j)(2)(B) of the Act, and within the stautory 45-day timeframe litigation for infringement of the '358 patent was brought against Caraco in the U.S. Eastern Dist. of Michigan [Novo Nordisk Pharmaceuticals Inc. v. Caraco Pharmaceuticals, Ltd., Civ. Action No. 05-40188].

Therefore, final approval cannot be granted until:

1. a. the expiration of the 30-month period provided for in section 505(j)(5)(B)(iii)

   b. the date the court decides[1] that the ‘358 patent is invalid or not infringed (see sections 505(j)(5)(B)(iii)(I), (II), and (III) of the Act), or

   c. the ‘358 patent has expired, and

2. The agency is assured there is no new information that would affect whether final approval should be granted.

With respect to the ‘035 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 the ‘035 patent. Therefore, final approval of your application may not be made effective pursuant to section 505 of the Act until the ‘035 patent has expired, i.e., March 14, 2009.

[1] This decision may be either a decision of the district court or the court of appeals, whichever court is the first to decide that the patent is invalid or not infringed.

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 should include a copy of a court decision, or a settlement or licensing agreement, as appropriate. It should also identify changes, if any, in the conditions under which the ANDA 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, and it 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 application will be made. Such changes should be categorized as representing either "major" or "minor" changes, and they will be reviewed according to OGD policy in effect at the time of receipt. The submission of multiple amendments prior to final approval may also result in 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 to be approved for marketing under section 505 of the Act, and will not be listed in the "Orange Book."

For further information on the status of this application, or prior to submitting additional amendments, 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

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

/s/

Robert L. West
8/10/2007 03:02:16 PM
for Gary Buehler