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APPLICATION NUMBER:

ANDA 078873

APPROVAL LETTER

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 078873

Teva Pharmaceuticals USA
Attention: Jean W. Zwicker
Senior Director, Regulatory Affairs
1090 Horsham Road
P.O. Box 1090
North Wales, PA 19454

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated March 15, 2007, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Methylphenidate Hydrochloride Extended-release Capsules (CD), 40 mg, 50 mg and 60 mg, (Once Daily).

Reference is also made to your amendments dated August 21, and November 15, 2007; March 28 (2), May 1, July 29, October 17, and December 23, (2) 2008; May 4, July 24, and October 19, 2009; November 15, 2010; and March 7, June 1, June 10, July 15, September 30, October 28, November 14, and December 8, 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 Methylphenidate Hydrochloride Extended-release Capsules (CD), 40 mg, 50 mg and 60 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Metadate CD Extended-release Capsules, 40 mg, 50 mg, and 60 mg, respectively, of UCB, Inc. (UCB).

Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA. The “interim” dissolution specifications are as follows:

Medium	Water
Volume	500 mL
Apparatus	USP Apparatus II (paddles)
Speed	50 rpm
Temperature	37°± 0.5°C
Specifications for Methylphenidate Hydrochloride Extended-release Capsules, 40 mg, 50 mg and 60 mg	
Time (hrs)	FDA-recommended specifications
1 2 4 8 12	(b) (4) 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, UCB’s Metadate CD Extended-release Capsules, 40 mg, 50 mg and 60 mg, is subject to a period of patent protection with respect to the 40 mg strength. As noted in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the “Orange Book”) U.S. Patent No. 6,344,215 (the '215 patent), is scheduled to expire on October 27, 2020.

With respect to the 40 mg strength, your ANDA contains a paragraph IV certification under section 505(j)(2)(A)(vii)(IV) of the Act stating that the ‘215 patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Methylphenidate Hydrochloride Extended-release Capsules (CD), 40 mg, Once Daily, under this ANDA. You have notified the agency that Teva Pharmaceuticals USA (Teva) complied with the requirements of section 505(j)(2)(B) of the Act, and that no action for infringement was brought against Teva 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 180-day generic drug exclusivity, Teva was the first applicant to submit a substantially complete ANDA with a paragraph IV certification for Methylphenidate Hydrochloride Extended-Release Capsules (CD), 40 mg, and Teva has lawfully maintained this certification. Your ANDA was received by the agency on March 15, 2007, and was never granted tentative approval. This ANDA, therefore, was not granted tentative approval within the 30-month period described in section 505(j)(5)(D)(i)(IV). Nevertheless, the agency has determined that the failure to obtain tentative within the 30-month period was caused by a change in or a review of the requirements for approval of the application imposed after the date on which the application was filed.[1] We therefore conclude that the 180-day exclusivity period described in section 505(j)(5)(B)(iv) of the Act was not forfeited by Teva, and that with this approval Teva is eligible for 180 days of generic drug exclusivity for Methylphenidate Hydrochloride Extended-Release Capsules (CD), 40 mg. This exclusivity, which is provided for in section 505(j)(5)(B)(iv) of the Act, will begin to run from the date of the first commercial marketing of Methylphenidate Hydrochloride Extended-Release Capsules (CD), 40 mg (including the first commercial marketing of the listed drug) by any first applicant. Within 10 days of first commercial marketing, please submit correspondence to this ANDA informing the agency of the date you begin commercial marketing of Methylphenidate Hydrochloride Extended-Release Capsules (CD), 40 mg. Please also be aware that, under section 505(j)(5)(D), 180-day exclusivity shall be forfeited by Teva if a forfeiture event, as described in section 505(j)(5)(D), occurs with respect to Teva.

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.

Please note that if FDA requires a Risk Evaluation & Mitigation Strategy (REMS) for a listed drug, an ANDA citing that listed drug also will be required to have a REMS. See section 505-1(i) of the Act.

Postmarketing 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.

[1] A citizen petition was submitted that required the agency to review the requirements for approval for generic drug products for which Metadate CD is the RLD. See Docket No. FDA-2004-P-0290 (formerly 2004P-0225).

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 directly to:

Food and Drug Administration
Center for Drug Evaluation and Research
Office of Prescription Drug Promotion
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 Office of Prescription Drug Promotion 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}

Gregory P. Geba, M.D., M.P.H.
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

07/19/2012

Deputy Director, Office of Generic Drugs
for Gregory P. Geba, M.D., M.P.H.