DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 090044

Orgenus Pharma, Inc.
U.S. Agent for: Orchid Healthcare
Attention: Diana M. Wilk
Operations Manager
700 Alexander Park, Suite 104
Princeton, NJ 08540

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated October 16, 2007, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Memantine Hydrochloride Tablets, 5 mg and 10 mg.

Reference is also made to the tentative approval letter issued by this office on January 6, 2010, and to your amendments dated May 18, and December 27, 2010; and March 8, March 26, and April 27, 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 Memantine Hydrochloride Tablets, 5 mg and 10 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Namenda Tablets, 5 mg and 10 mg, respectively, of Forest Laboratories, Inc. (Forest). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The reference listed drug product (RLD) upon which you have based your ANDA, Forest's Namenda Tablets, is subject to a period of patent protection. As noted in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"), U.S. Patent No. 5,061,703 (the '703 patent) is scheduled to expire on April 11, 2015.

Your ANDA contains a paragraph IV certification under section 505(j)(2)(A)(vii)(IV) of the Act stating that the '703 patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Memantine Hydrochloride Tablets, 5 mg and 10 mg, under this ANDA. You have notified the agency that Orchid Healthcare (Orchid) complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation was initiated against Orchid for infringement of the '703 patent within the statutory 45-day period in the United States District Court for the District of Delaware [Forest Laboratories, Inc., Forest Laboratories Holdings, Ltd., Merz Pharma GmbH & Co. KGaA, and Merz, Civil Action No. 08-021]. You have further notified the agency that the litigation was dismissed pursuant to a licensing agreement.

With respect to 180-day generic drug exclusivity, we note that Orchid was one of the first ANDA applicants to submit a substantially complete ANDA with a paragraph IV certification to the '703 patent. Therefore, with this approval, Orchid is eligible for 180 days of generic drug exclusivity for Memantine Hydrochloride Tablets, 5 mg and 10 mg. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the date of the commercial marketing 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.

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.

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/U_CM072392.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/

ROBERT L WEST

03/12/2012

Deputy Director, Office of Generic Drugs
for Keith Webber, Ph.D.