DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

ANDA 091070

**ANDA APPROVAL**

Actavis Laboratories FL, Inc.
4955 Orange Drive
Fort Lauderdale, FL 33314
Attention: Janet Vaughn
Director, Regulatory Affairs

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated December 16, 2008, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), for Guaifenesin and Dextromethorphan Hydrobromide Extended-release Tablets, 600 mg/30 mg and 1200 mg/60 mg.

Reference is also made to your amendments dated September 9 and November 16, 2009; January 22 and October 28, 2010; April 1, April 7, September 6, October 17, October 25, and December 2, 2011; January 6, March 2, and September 27, 2012; February 28, March 18, and March 22, 2013; April 14, 2014; and June 11, 2015.

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 over-the-counter (OTC) 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 Guaifenesin and Dextromethorphan Hydrobromide Extended-release Tablets, 600 mg/30 mg and 1200 mg/60 mg, to be bioequivalent to the reference listed drug (RLD), Mucinex DM, of Reckitt Benckiser Inc. (Reckitt).

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: | 0.01N HCl |
| Apparatus: | I (Basket) |
| Speed: | 50 rpm |
| Volume: | 900 mL |
| Temperature: | 37°C ± 0.5°C |
| Specifications: | |

Both Dextromethorphan and Guaifenesin (Both Strengths)

| Time (Hours) | Amount Dissolved (% of Labeled amount) |
|---|---|
| 1 | (b) (4) % |
| 2 | (b) (4) % |
| 6 | (b) (4) % |
| 12 | **NLT** (b) (4) **%** |

The "interim" dissolution test(s) and tolerances should be finalized by submitting dissolution data for the first three production size batches. Data should be submitted as a Special Supplement – Changes Being Effected when there are no revisions to the "interim" specifications or when 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, Reckitt's Mucinex DM, 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"):

| U.S. Patent Number | Expiration Date |
|---|---|
| 6,372,252 (the '252 patent) | April 28, 2020 |
| 6,955,821 (the '821 patent) | April 28, 2020 |
| 7,838,032 (the '032 patent) | April 28, 2020 |

Your ANDA contains paragraph IV certifications to each of the patents[1] under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patents are invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Guaifenesin and Dextromethorphan Hydrobromide Extended-releaseTablets, 600 mg/30 mg and 1200 mg/60 mg, under this ANDA. You have notified the agency that Actavis Laboratories FL, Inc. (Actavis) complied with the requirements of section 505(j)(2)(B) of the FD&C Act, and that litigation was initiated against Actavis for infringement of the '252 and '821 patents within the statutory 45-day period in the United States District Court for the Southern District of Florida [Reckitt Benckiser, Inc. v. Watson Labs., Inc., Civil Action No. 09-cv-60609]. You have also notified the agency that the court decided that the '252 and '821 patents are invalid, unenforceable, or not infringed; therefore, under section 505(j)(5)(B)(iii) your ANDA is eligible for approval.

With respect to 180-day generic drug exclusivity, we note that Actavis was the first ANDA applicant for Guaifenesin and Dextromethorphan Hydrobromide Extended-release Tablets, 600 mg/30 mg and 1200 mg/60 mg, to submit a substantially complete ANDA with a

[1] The agency notes that the '032 patent was listed in the Orange Book after submission of your ANDA. Litigation, if any, with respect to this patent would not create a statutory stay of approval.

paragraph IV certification. Therefore, with this approval, Actavis may be eligible for 180 days of generic drug exclusivity for Guaifenesin and Dextromethorphan Hydrobromide Extended-release Tablets, 600 mg/30 mg and 1200 mg/60 mg. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the FD&C Act, would begin to run from the date of the commercial marketing identified in section 505(j)(5)(B)(iv). The agency notes that Actavis failed to obtain tentative approval of this ANDA within 30 months after the date on which the ANDA was filed. See section 505(j)(5)(D)(i)(IV) (forfeiture of exclusivity for failure to obtain tentative approval). The agency is not, however, making a formal determination at this time of Actavis's eligibility for 180-day generic drug exclusivity. It will do so only if a subsequent paragraph IV applicant becomes eligible for full approval (a) within 180 days after Actavis begins commercial marketing of Guaifenesin and Dextromethorphan Hydrobromide Extended-release Tablets, 600 mg/30 mg and 1200 mg/60 mg, or (b) at any time prior to the expiration of the '252 and '821 patents if Actavis has not begun commercial marketing. Please submit correspondence to this ANDA informing the agency of the date commercial marketing begins.

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

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.

The Generic Drug User Fee Amendments of 2012 (GDUFA) (Public Law 112-144, Title III) established certain provisions with respect to self-identification of facilities and payment of annual facility fees. Your ANDA identifies at least one facility that is subject to the self-identification requirement and payment of an annual facility fee. Self-identification must occur by June 1 of each year for the next fiscal year. Facility fees must be paid each year by the date specified in the Federal Register notice announcing facility fee amounts. All finished dosage forms (FDFs) or active pharmaceutical ingredients (APIs) manufactured in a facility that has not met its obligations to self-identify or to pay fees when they are due will be deemed misbranded. This means that it will be a violation of federal law to ship these products in interstate commerce or to import them into the United States. Such violations can result in prosecution of those responsible, injunctions, or seizures of misbranded products. Products misbranded because of failure to self-identify or pay facility fees are subject to being denied entry into the United States.

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,

Carol A. Holquist -S

Digitally signed by Carol A. Holquist -S
DN: c=US, o=U.S. Government, ou=HHS, ou=FDA, ou=People, 0.9.2342.19200300.100.1.1=1300052464, cn=Carol A. Holquist -S
Date: 2015.08.31 16:48:25 -04'00'

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