DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 091248

Mylan Pharmaceuticals Inc.
Attention: Joseph J. Sobecki
Vice President, Regulatory Affairs
781 Chestnut Ridge Road
P.O. Box 4310
Morgantown, WV 26504

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated January 30, 2009, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Mycophenolic Acid Delayed-release Tablets, 180 mg and 360 mg.[1]

Reference is also made to your amendments dated June 3, 2009; February 8, June 18, and October 26, 2010; March 15 (two submissions), March 17, June 16, July 21, and September 28, 2011; July 10, July 13, July 20, August 3, and September 19, 2012; August 23, September 5, October 16, and December 31, 2013; and January 2, 2014. We also acknowledge receipt of your communications dated September 29, 2009, and August 16, 2013, addressing patent issues associated with this ANDA.

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 Mycophenolic Acid Delayed-release Tablets, 180 mg and 360 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Myfortic Delayed-release Tablets, 180 mg and 360 mg, respectively, of Novartis Pharmaceuticals Corp (Novartis).

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:

Dissolution testing should be conducted using apparatus II (Paddle) in 750 mL of 0.1 N HCl for 2 hours (acid stage) and 1000 mL of Phosphate Buffer at a pH of 6.8 (buffer stage) at a speed of 50 rpm. The drug product should meet the following "interim" dissolution specifications:

[1] As originally submitted, this ANDA was for the 360 mg strength only. An amendment for the 180 mg strength was received on June 3, 2009.

Acid Stage: NMT (b) (4) dissolved in 120 minutes
Buffer Stage: NLT (b) (4) (Q) dissolved in 60 minutes

These "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, Novartis' Myfortic Delayed-release Tablets, is subject to periods of patent protection. The following patents 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
6,025,391 (the '391 patent)	April 10, 2017
6,172,107 (the '107 patent)	April 10, 2017
6,306,900 (the '900 patent)	February 27, 2018

With respect to each of these patents, your ANDA contains paragraph IV certifications under section 505(j)(2)(A)(vii)(IV) of the Act stating that each patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Mycophenolic Acid Delayed-release Tablets, 180 mg and 360 mg, under this ANDA. You have notified the Agency that Mylan Pharmaceuticals Inc. (Mylan) complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation was initiated against Mylan for infringement of all three patents within the statutory 45-day period in the United States District Court for the District of New Jersey [Novartis AG and Novartis Pharmaceuticals Corporation v. Mylan Pharmaceuticals Inc. and Mylan Inc., Civil Action No. 3:09-CV-3604-PGS-DEA]. Subsequently, you have notified the Agency that a Stipulation of Dismissal was entered.

With respect to 180-day generic drug exclusivity, we note that Mylan was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Mycophenolic Acid Delayed-release Tablets, 180 mg and 360 mg. As a first applicant, Mylan was eligible for 180 days of generic drug exclusivity for both strengths. It is noted that neither strength was tentatively approved within the 30-month period described in section505(j)(5)(d)(i)(IV). Nevertheless, the Agency has determined that Mylan has not forfeited its eligibility for 180-day exclusivity with respect to the 360 mg strength.[2] This

[2] As noted above, ANDA 091248 for the 360 mg strength was received on February 2, 2009, and an amendment for the 180 mg strength was received on June 3, 2009. This ANDA was never tentatively approved, and therefore was not granted tentative approval for either strength within the 30-month periods described in section 505(j)(5)(D)(i)(IV): by August 2, 2011 (360 mg strength) and by December 3, 2011 (180 mg strength). Nevertheless, with respect to the 360 mg strength, the Agency has determined that the failure to obtain tentative approval 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. Specifically, there was a review of the requirements for approval regarding impurity levels that was not resolved until August 10, 2011, which is after the 30-month forfeiture date for the 360 mg strength.

exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the Act, will begin to run from the commercial marketing date identified in section 505(j)(5)(B)(iv)(I). Please submit correspondence to this ANDA informing the Agency of the date the exclusivity begins to run.

The Agency also has determined that Mylan has forfeited its eligibility for 180-day exclusivity with respect to the 180 mg strength because Mylan failed to obtain tentative approval of this strength within 30 months after the date on which the ANDA for this strength was filed.[3] See section 505(j)(5)(D)(i)(IV) of the Act.

RISK EVALUATION AND MITIGATION STRATEGY REQUIREMENTS

Section 505-1 of the Act authorizes FDA to require the submission of a risk evaluation and mitigation strategy (REMS), if FDA determines that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks [section 505-1(a)]. The details of the REMS requirements were outlined in our REMS notification letter dated September 21, 2011. In that letter, you were also notified that in the interest of public health and to minimize the burden on the healthcare delivery system of having multiple unique REMS programs, a single, shared system should be used to implement the REMS for all members of the class of Mycophenolate Mofetil and Mycophenolic Acid products.

We remind you that section 505-1(f)(8) of the Act prohibits holders of an approved covered application with elements to assure safe use from using any element to block or delay approval of an application under section 505(b)(2) or (j). A violation of this provision in 505-1(f) could result in enforcement action.

Your proposed REMS, appended to this letter, is approved. The REMS consists of a Medication Guide and elements to assure safe use.

This REMS will use a single, shared system for the elements to assure safe use and the REMS assessments. The individual sponsors who are part of the single shared system are collectively referred to as "mycophenolate sponsors." This single, shared system is known as the Mycophenolate REMS program. Other products may be added in the future if additional NDAs or ANDAs are approved.

Under section 505-1(g)(2)(C), FDA can require the submission of a REMS assessment if FDA determines that an assessment is needed to evaluate whether the approved REMS should be modified to ensure the benefits of the drug outweigh its risks or to minimize the burden on the healthcare delivery system of complying with the REMS. Additionally, the details for what should be included in any joint assessments completed under the Mycophenolate REMS Program are listed in Appendix 1.

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[3] The Agency has determined that the review of the requirements for approval related to the impurity levels was not a cause of Mylan's failure to obtain tentative approval of the 180 mg strength within the 30-month period relevant to the 180 mg strength because that review was resolved prior to December 3, 2011.

Prominently identify the submission containing the REMS or any REMS assessments or proposed modifications with the following wording in bold capital letters at the top of the first page of the submission:

ANDA 091248
REMS ASSESSMENT

NEW SUPPLEMENT FOR ANDA 091248
PROPOSED REMS MODIFICATION

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.

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
Division of Drug Marketing, Advertising, and Communications
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.

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 dose 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,

{See appended electronic signature page}

Kathleen Uhl, M.D.
Acting Director
Office of Generic Drugs
Center for Drug Evaluation and Research

ENCLOSURE(S):
Appendix 1
Content of Labeling
REMS

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

01/08/2014

Deputy Director, Office of Generic Drugs, for
Kathleen Uhl, M.D.