DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

ANDA 202608

Mallinckrodt, Inc.
Attention: Jasen Wallace
Senior Regulatory Affairs Specialist
675 McDonnell Blvd.
Hazelwood, MO 63042

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) received on December 30, 2010, and submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Methylphenidate Hydrochloride Extended-Release Tablets USP, 27 mg, 36 mg, and 54 mg.

Reference is made to your amendments dated March 22, August 26, and November 23, 2011; and April 30, May 18, October 15, and November 19, 2012. Reference is also made to your correspondences dated March 21, and May 13, 2011; and April 24, 2012 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 Methylphenidate Hydrochloride Extended-Release Tablets USP, 27 mg, 36 mg, and 54 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Concerta Extended-Release Tablets, 27 mg, 36 mg, and 54 mg, respectively, of Janssen Pharmacauticals, Inc. (Janssen). 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:

> The dissolution testing should be conducted in 500 mL of 0.001N HCl at 37°C ± 0.5°C using USP apparatus 2 (paddle) at 50 rpm. The test product should meet the following "interim" specifications:

Time (Hours)	Percent Dissolved
1	(b) (4)
2	(b) (4)
6	(b) (4)
10	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, Janssen's Concerta Extended-Release Tablets, 27 mg, 36 mg and 54 mg, is subject to periods of patent protection. The following patents and expiration dates (with pediatric exclusivity added) are currently listed in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book") for this drug product:

U.S. Patent Number	Expiration Date
6,919,373 (the '373 patent)	January 31, 2018
6,930,129 (the '129 patent)	January 31, 2018
8,163,798 (the '798 patent)	January 31, 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 Methylphenidate Hydrochloride Extended-Release Tablets USP, 27 mg, 36 mg, and 54 mg, under this ANDA. You have notified the agency that Mallinckrodt complied with the requirements of section 505(j)(2)(B) of the Act, and that no action for infringement was brought against Mallinckrodt within the statutory 45-day period.[1]

[1] Mallinckrodt's paragraph IV certification to the '798 patent was submitted in an amendment to its ANDA on May 18, 2012, the same day on which this patent was submitted for listing in the Orange Book.

With respect to 180-day generic drug exclusivity, we note that Mallinckrodt was the first ANDA applicant for Methylphenidate Hydrochloride Extended-Release Tablets USP, 27 mg, 36 mg, and 54 mg, to submit a substantially complete ANDA with a paragraph IV certification to the '798 patent. Therefore, with this approval, Mallinckrodt may be eligible for 180 days of generic drug exclusivity for Methylphenidate Hydrochloride Extended-Release Tablets USP, 27 mg, 36 mg, and 54 mg. This exclusivity would begin to run from the earlier of the commercial marketing or court decision dates identified in section 505(j)(5)(B)(iv).[2] The agency is not, however, making a formal determination at this time of Mallinckrodt's eligibility for 180-day generic drug exclusivity. It will do so only if another paragraph IV applicant becomes eligible for full approval (a) within 180 days of the earlier of the commercial marketing or court decision dates identified in section 505(j)(5)(B)(iv), or (b) at any time prior to the expiration of the '798 patent if neither the commercial marketing nor court decision events identified in section 505(j)(5)(B)(iv) has occurred. Please submit correspondence to this ANDA informing the agency of the date of the occurrence of either of these events.

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

[2] Because an ANDA with a paragraph IV certification to a patent listed for the RLD (Concerta Extended-Release Tablets, 27 mg, 36 mg and 54 mg) was filed before the date of enactment of the Medicare Prescription Drug, Improvement and Modernization Act (MMA) (Public Law 108-173) on December 8, 2003, this reference to the 180-day exclusivity provision is to the section of the Act as in effect prior to December 8, 2003. See MMA § 1102(b)(1).

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.

You have been requested to provide information after the ANDA has been approved. Any information submitted to meet the conditions requested in this letter is considered a "Post Approval Commitment Response." To alert the Office of Generic Drug staff to the fact that you are providing post approval commitment information, please designate your submission in your cover letter as "POST APPROVAL COMMITMENT RESPONSE."

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

12/28/2012

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