DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

ANDA 206015

APPROVAL

Aurobindo Pharma USA, Inc.
U.S. Agent for: Aurobindo Pharma Limited
2400 Route 130 North
Dayton, NJ 08810
Attention: Blessy Johns

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), for Pitavastatin Tablets, 1 mg, 2 mg, and 4 mg.

Reference is also made to the tentative approval letter issued by this office on February 4, 2016, and to your amendment dated October 4, 2016.

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 Office of Bioequivalence has determined your Pitavastatin Calcium Tablets, 1 mg, 2 mg, and 4 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Livalo of Kowa Company Limited (Kowa). Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The RLD upon which you have based your ANDA, Kowa's Livalo Tablets, 1 mg, 2 mg, and 4 mg, 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
5,856,336 (the '336 patent)	December 25, 2020
7,022,713 (the '713 patent)	February 19, 2024
8,557,993 (the '993 patent)	February 2, 2024

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 Pitavastatin Tablets, 1 mg, 2 mg, and 4 mg,

[1] The agency notes that the '993 patent was submitted to the agency after submission of your ANDA. Litigation, if any, with respect to this patent would not create a statutory stay of approval.

under this ANDA. You have notified the agency that Aurobindo Pharma Limited (Aurobindo) complied with the requirements of section 505(j)(2)(B) of the FD&C Act, and litigation for infringement of the '993 and '336 patents was brought against Aurobindo within the statutory 45-day period in the United States District Court Southern District of New York [Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd. v. Aurobindo Pharma Limited and Aurobindo Pharma USA Inc., Civil Action No. 1:14-cv-02497], and in the United States District Court District of New Jersey [Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd. v. Aurobindo Pharma Limited and Aurobindo Pharma USA Inc., Civil Action No. 3:14-cv-2290]. You have further notified the agency that the cases have been dismissed.

With respect to 180-day generic drug exclusivity, we note that Aurobindo was one of the first ANDA applicants for Pitavastatin Tablets, 1 mg, 2 mg, and 4 mg, to submit a substantially complete ANDA with a paragraph IV certification. Therefore, with this approval, Aurobindo is eligible for 180 days of shared generic drug exclusivity for Pitavastatin Tablets, 1 mg, 2 mg, and 4 mg. This exclusivity, which is provided for under section 505(j)(5)(B)(iv) of the FD&C Act, will begin to run from the date of commercial marketing by any first applicant, as identified in section 505(j)(5)(B)(iv) of the FD&C Act. Please submit correspondence to this ANDA informing the Agency of the date you begin commercial marketing.

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 FD&C Act.

Post marketing 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(s) 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.

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,

{See appended electronic signature page}

Carol A. Holquist, RPh
Deputy Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research

Carol Holquist

Digitally signed by Carol Holquist
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