



NDA 211566

TENTATIVE APPROVAL

Zydus Worldwide DMCC
c/o Zydus Pharmaceuticals (USA) Inc.
Attention: Srinivas Gurram
VP & Head of RA and QA – North America
73-B, Route 31 North
Pennington, NJ 08534

Dear Mr. Gurram:

Please refer to your new drug application (NDA) dated October 31, 2020, received November 2, 2020, and your amendments, submitted pursuant to section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act for Sitagliptin Tablets.

This NDA provides for the use of Sitagliptin Tablets as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus.

We have completed our review of this application, as amended. It is tentatively approved under 21 CFR 314.105 for use as recommended in the agreed-upon enclosed labeling (text for the Prescribing Information, Medication Guide, and carton and container labeling). This determination is based upon information available to the Agency at this time, [i.e., information in your application and the status of current good manufacturing practices (cGMPs) of the facilities used in the manufacture and testing of the drug product]. This determination is subject to change on the basis of any new information that may come to our attention.

Final approval of your application is subject to expiration of a period of patent protection and/or exclusivity. Therefore, final approval of your application under section 505(c)(3) of the Act [21 U.S.C. 355(c)(3)] may not be granted before the period has expired.

A listed drug(s) upon which your application relies is subject to a period of patent protection and your application contains a certification(s) to one or more patents under section 505(b)(2)(A)(iv) of the FD&C Act stating that the patent(s) is/are invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of, this drug product under this application (“paragraph IV certification”).

Section 505(c)(3)(C) of the FD&C Act provides that approval of a new drug application submitted pursuant to section 505(b)(2) of the FD&C Act that includes a paragraph IV certification shall be made effective immediately, unless an action is brought for infringement of one or more of the patents that were the subject of a paragraph IV certification. If such a patent infringement action is brought prior to the expiration of 45 days from the later of the date the notice provided under section 505(b)(3) is received

by the patent owner or approved application holder, your application is subject to a 30-month stay of approval, unless other conditions are met. You notified us that you complied with the requirements of section 505(b)(3) of the FD&C Act.

In addition, you have notified the Agency that the patent owner and/or approved application holder has initiated a patent infringement suit against you with respect to patent 7326708 in the United States District Court for the District of Delaware (Case 1:99-mc-09999-UNA). Therefore, final approval cannot be granted until:

- (1)
 - expiration of the 30-month period provided for in section 505(c)(3)(C) beginning on the later of the date of receipt by any owner of the listed patent or application holder of the notice required under section 505(b)(3), unless the court has extended or reduced the period because of the failure of either party to reasonably cooperate in expediting the action, or
 - the date the court decides that the patent(s) is/are invalid or not infringed as described in section 505(c)(3)(C)(i), (ii), (iii,) or (iv) of the FD&C Act, or,
 - the listed patent(s) has/have expired, and
- (2)
 - we are assured there is no new information that would affect whether final approval should be granted.

To obtain final approval of this application, submit an amendment two or six months prior to the: (1) expiration of the patent(s) and exclusivity protection or (2) date you believe that your NDA will be eligible for final approval, as appropriate. In your cover letter, clearly identify your amendment as “**REQUEST FOR FINAL APPROVAL**”. This amendment should provide the legal/regulatory basis for your request for final approval and should include a copy of any relevant court order or judgment settlement, or licensing agreement, as appropriate. In addition to a safety update, the amendment should also identify changes, if any, in the conditions under which your product was tentatively approved, i.e., updated labeling; chemistry, manufacturing, and controls data; and risk evaluation and mitigation strategy (REMS). If there are no changes, clearly state so in your cover letter. Any changes require our review before final approval and the goal date for our review will be set accordingly.

Until we issue a final approval letter, this NDA is not approved.

The drug product may not be legally marketed until you have been notified in writing that this application is approved.

PROPRIETARY NAME

If you intend to have a proprietary name for this product, the name and its use in the labeling must conform to the specifications under 21 CFR 201.10 and 201.15. We recommend that you submit a request for a proposed proprietary name review. (See the guidance for industry *Contents of a Complete Submission for the Evaluation of*

Proprietary Names¹ and PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2018 through 2022.)

REQUIRED PEDIATRIC ASSESSMENTS

Under the Pediatric Research Equity Act (PREA) (21 U.S.C. 355c), all applications for new active ingredients (which includes new salts and new fixed combinations), new indications, new dosage forms, new dosing regimens, or new routes of administration are required to contain an assessment of the safety and effectiveness of the product for the claimed indication in pediatric patients unless this requirement is waived, deferred, or inapplicable.

We note that if this application is ultimately approved, you will need to meet these requirements.

If you have any questions, contact Michael Oyewole, Regulatory Project Manager, at (301) 796-3897.

Sincerely,

{See appended electronic signature page}

Lisa B. Yanoff, M.D.
Deputy Director (Acting)
Office of Cardiology, Hematology, Endocrinology, and
Nephrology
Office of New Drugs
Center for Drug Evaluation and Research

ENCLOSURES:

- Content of Labeling
 - Prescribing Information
 - Medication Guide
- Carton and Container Labeling

¹ We update guidances periodically. For the most recent version of a guidance, check the FDA Guidance Documents Database <https://www.fda.gov/RegulatoryInformation/Guidances/default.htm>.

This is a representation of an electronic record that was signed electronically. Following this are manifestations of any and all electronic signatures for this electronic record.

/s/

LISA B YANOFF
09/02/2021 03:32:02 PM