



ANDA 217219

ANDA APPROVAL

Par Pharmaceutical, Inc.
1400 Atwater Drive
Malvern, PA 19355
Attention: Sudhir Kaushal
Senior Director, Regulatory Affairs

Dear Sudhir Kaushal:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on April 27, 2022, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Tiopronin Delayed-Release Tablets, 100 mg and 300 mg.

Reference is also made to any amendments submitted prior to the issuance of this letter.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug meets the requirements for approval under the FD&C Act. Accordingly, the ANDA is **approved**, effective on the date of this letter. We have determined your Tiopronin Delayed-Release Tablets, 100 mg and 300 mg, to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Thiola EC Tablets, 100 mg and 300 mg, of Mission Pharmacal Company (Mission).

Reference is also made to FDA's Competitive Generic Therapy Designation – Grant letter dated April 6, 2022.

The RLD upon which you have based your ANDA, Mission's Thiola EC Tablets, 100 mg and 300 mg, is subject to a period of patent protection. The following patent and expiration date is currently listed in the Agency's publication titled *Approved Drug Products with Therapeutic Equivalence Evaluations* (the "Orange Book"):

<u>U.S. Patent Number</u>	<u>Expiration Date</u>
11,458,104 (the '104 patent)	November 14, 2038

Your ANDA contains a paragraph IV certification to the '104 patent¹ under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Tiopronin Delayed-Release

Tablets, 100 mg and 300 mg, under this ANDA. You have notified the Agency that Par Pharmaceutical Inc. (Par) complied with the requirements of section 505(j)(2)(B) of the FD&C Act.

With respect to 180-day generic drug exclusivity, we note that Par was one of the first ANDA applicants to submit a substantially complete ANDA with a paragraph IV certification for Tiopronin Delayed-Release Tablets, 100 mg and 300 mg. Therefore, with this approval, Par is eligible for 180 days of shared generic drug exclusivity for Tiopronin Delayed-Release Tablets, 100 mg and 300 mg. FDA notes that after issuance of this approval letter, eligibility for 180-day exclusivity is subject to future events that may result in forfeiture of exclusivity under section 505(j)(5)(D) of the FD&C Act. 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 the commercial marketing by any first applicant, as identified in section 505(j)(5)(B)(iv). Please submit correspondence to this ANDA notifying the Agency within 30 days of the date of the first commercial marketing of this drug product or the RLD. If you do not notify the Agency within 30 days, the date of first commercial marketing will be deemed to be the date of the drug product's approval. See 21 CFR 314.107(c)(2).

We note that Par was granted a Competitive Generic Therapy (CGT) designation for Tiopronin Delayed-Release Tablets, 100 mg and 300 mg. However, Par is not a "first approved applicant" for such competitive generic therapies, as defined in section 505(j)(5)(B)(v)(III) of the FD&C Act, because these drug products are eligible for 180-day patent challenge exclusivity under section 505(j)(5)(B)(iv) of the FD&C Act. See section 505(j)(5)(B)(v)(III)(bb)(BB) of the FD&C Act. Therefore, these drug products are not eligible for CGT exclusivity under section 505(j)(5)(B)(v) of the FD&C Act.

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.

Please note that if FDA requires a Risk Evaluation and 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.

REPORTING REQUIREMENTS

Postmarketing reporting requirements for this ANDA are set forth in 21 CFR 314.80-81 and 314.98 and at section 506I of the FD&C Act. The Agency should be advised of any change in the marketing status of this drug or if this drug will not be available for sale after approval. In particular, under section 506I(b) of the FD&C Act, you are required to notify the Agency in writing within 180 days from the date of this letter if this drug will not be available for sale within 180 days from the date of approval. As part of such written notification, you must include (1) the identity of the drug by established name and proprietary name (if any); (2) the ANDA number; (3) the strength of the drug; (4) the date on which the drug will be available for sale, if known; and (5) the reason for not marketing the drug after approval.

PROMOTIONAL MATERIALS

You may request advisory comments on proposed introductory advertising and promotional labeling materials prior to publication or dissemination. Please note that these submissions are voluntary. To do so, submit, in triplicate, a cover letter requesting advisory comments, the proposed materials in draft or mock-up form with annotated references, and the package insert (PI), Medication Guide, and patient PI (as applicable) to:

OPDP Regulatory Project Manager
Food and Drug Administration
Center for Drug Evaluation and Research
Office of Prescription Drug Promotion
5901-B Ammendale Road
Beltsville, MD 20705

Alternatively, you may submit a request for advisory comments electronically in eCTD format. For more information about submitting promotional materials in eCTD format, see the draft Guidance for Industry (available at: <https://www.fda.gov/media/128163/download>).

You must also submit final promotional materials and package insert(s), accompanied by a Form FDA 2253, at the time of initial dissemination or publication [21 CFR 314.81(b)(3)(i)]. Form FDA 2253 is available at: <https://www.fda.gov/media/73013/download>. Information and Instructions for completing the form can be found at: <https://www.fda.gov/media/132152/download>. For more information about submission of promotional materials to the Office of Prescription Drug Promotion (OPDP), see <https://www.fda.gov/about-fda/center-drug-evaluation-and-research-cder/opdp-ectd>.

ANNUAL FACILITY FEES

The Generic Drug User Fee Amendments of 2012 (GDUFA) (Public Law 112-144, Title III) established certain provisions² with respect to self-identification of facilities and payment of annual facility fees. ANDAs that identify at least one facility that is referenced in an approved ANDA are subject to the self-identification requirement and payment of an annual facility fee. Self-identification must occur by June 1st 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 or active pharmaceutical ingredients 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.

In addition, we note that GDUFA requires that certain non-manufacturing sites and organizations listed in generic drug submissions comply with the self-identification requirement. The failure of any facility, site, or organization to comply with its obligation to self-identify and/or to pay fees when due may raise significant concerns about that site or organization and is a factor that may increase the likelihood of a site inspection prior to approval. FDA does not expect to give priority to completion of inspections that are required simply because facilities, sites, or organizations fail to comply with the law requiring self-identification or fee payment.

CONTENT OF LABELING

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: <https://www.fda.gov/media/71211/download>. The SPL will be accessible via publicly available labeling repositories.

We remind you that you must continually monitor available labeling resources such as DRUGS@FDA for changes to your reference listed drug’s labels and labeling and make any necessary revisions to your labels and labeling. More information on post-approval labeling changes may be found in the guidance for industry titled “Changes to an Approved NDA or ANDA” at: <https://www.fda.gov/media/71846/download>.

Sincerely yours,

{See appended electronic signature page}

For Edward M. Sherwood
Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research

¹ The Agency notes that the '104 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.

² Some of these provisions were amended by the Generic Drug User Fee Amendments of 2022 (GDUFA III) (Public Law 115-52, Title III).



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Digitally signed by Anh Pham

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