



ANDA 219323

**ANDA APPROVAL**

Ascend Laboratories, LLC  
U.S. Agent for Alkem Laboratories Limited  
Attention: Hindy Schiff  
Vice President, Regulatory

Dear Hindy Schiff:

This letter is in reference to your abbreviated new drug application (ANDA) received for review on January 12, 2024, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for Mirabegron for Extended-Release Oral Suspension, 8 mg/mL.

Reference is also made to the complete response letter issued by this office on November 7, 2024, and to any amendments thereafter.

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 Mirabegron for Extended-Release Oral Suspension, 8 mg/mL to be bioequivalent and therapeutically equivalent to the reference listed drug (RLD), Myrbetriq Granules for Extended-Release Oral Suspension, 8 mg/mL of Astellas Pharma Global Development, Inc. (Astellas) NDA - 213801.

The RLD upon which you have based your ANDA, Astellas’s Myrbetriq Granules for Extended-Release Oral Suspension, 8 mg/mL, is subject to periods of patent protection. The following patent and expiration date (with pediatric exclusivity added) 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>
10,058,536 (the '536 patent)	September 30, 2036

Your ANDA contains a paragraph IV certification to each of the patents 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 Mirabegron for Extended-Release Oral Suspension, 8 mg/mL, under this ANDA. You have notified the Agency that Alkem Laboratories Limited (Alkem) complied with the requirements of section

505(j)(2)(B) of the FD&C Act and that no action for infringement was brought against Alkem within the statutory 45-day period.

With respect to 180-day generic drug exclusivity, we note that Alkem was the first ANDA applicant to submit a substantially complete ANDA with a paragraph IV certification for Mirabegron for Extended-Release Oral Suspension, 8 mg/mL. Therefore, with this approval, Alkem is eligible for 180 days of generic drug exclusivity for Mirabegron for Extended-Release Oral Suspension, 8 mg/mL. 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, begins to run from the date of the commercial marketing 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).

Please note that if FDA requires a Risk Evaluation and Mitigation Strategy (REMS) for a listed drug, an ANDA referencing that listed drug also will be required to have a REMS. See section 505-1(i) of the FD&C Act.

### **COMPENDIAL STANDARDS**

A drug with a name recognized in the official United States Pharmacopeia or official National Formulary (USP-NF) generally must comply with the compendial standard for strength, quality, and purity, unless the difference in strength, quality, or purity is plainly stated on its label (see FD&C Act § 501(b), 21 USC 351(b)). FDA typically cannot share application-specific information contained in submitted regulatory filings with third parties, which includes USP-NF. To help ensure that a drug continues to comply with compendial standards, application holders may work directly with USP-NF to revise official USP monographs. More information on the USP-NF is available on USP's website as <https://www.uspnf.com/>.

## **REQUIREMENTS AND RECOMMENDATIONS POST APPROVAL**

Under applicable statutes, regulations, and guidances, your ANDA may be subject to certain requirements and recommendations post approval, including requirements regarding changes to approved ANDAs, postmarketing reporting, promotional materials, and annual facility fees, among others. For information on post-approval requirements and recommendations for ANDAs and a list of resources for ANDA holders, we refer you to <https://www.fda.gov/drugs/abbreviated-new-drug-application-anda/requirements-and-resources-approved-andas>.

Sincerely yours,

*{See appended electronic signature page}*

For Kendra S. Stewart, R.Ph., Pharm.D.  
CAPT, United States Public Health Service  
Director  
Office of Regulatory Operations  
Office of Generic Drugs  
Center for Drug Evaluation and Research



Catherine  
Poole

Digitally signed by Catherine Poole  
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