Helpful Hints From The Inside

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Overview

- Monitor Regularly
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- Amendments to an Unapproved ANDA
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- Finding Your RPM

Monitor Regularly…

1. RLD Updates: Delaying your update submissions may impact approval date.

2. Monitor Orange Book: (non-exhaustive list)
   - Patent updates
   - Marketing status
   - Exclusivities
   - Updates/Additions to Use codes

Monitor Regularly…(cont'd)

3. Product Specific Guidance updates
   - OGD has published nearly 1700 PSGs
   - https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm075207.htm.

Cover Letter

1. If applicable, clearly request prioritization with <u>every</u> submission.
    a. OGD has limited obligations to prioritize ANDAs where the applicant has not requested prioritization.
2. Recommend stating in cover letter ANDAs that cross-reference BE studies or have shared Labeling.
3. List all impacted review disciplines heading at top of all amendment cover letters.
    – Example: Drug Substance, Pharmacology/Toxicology, Bioequivalence

Amendments to an Unapproved ANDA

An amendment to an unapproved ANDA must contain:

- "an appropriate patent certification or statement" or "a recertification for a previously submitted paragraph IV certification" if approval is sought for a proposed change under 314.96(d)(1):
  1. a new indication or other condition of use,
  2. a new strength,
  3. to make other than minor change in product formulation, or
  4. to change to the physical form or crystalline structure of the active ingredient

OR

- verification statement in ***cover letter*** that states the amendment does not contain one of the those four changes
  - e.g. "This amendment does not contain one of the proposed changes under 21 CFR 314.96(d)(1)")

Notification of Commercial Marketing

1. CFR 314.107(c)(2): First Filer Applicants
   - Required to submit notice of commercial marketing within 30 days of the date of its first commercial marketing of its drug product or the reference listed drug (Authorized Generic).
   - If you fail to submit this notice, we will consider the date of first commercial marketing to be the ANDA approval date, possibly affecting your 180-day exclusivity.

Notification of Commercial Marketing (cont'd)

2. Granted Competitive Generic Therapy (CGT)
   - If first to be approved, *immediately* notify OGD of commercial marketing otherwise other ANDAs will continue to be approved .
   - Follow notice instructions in your AP letter.
   - Draft Guidance: Competitive Generic Therapies

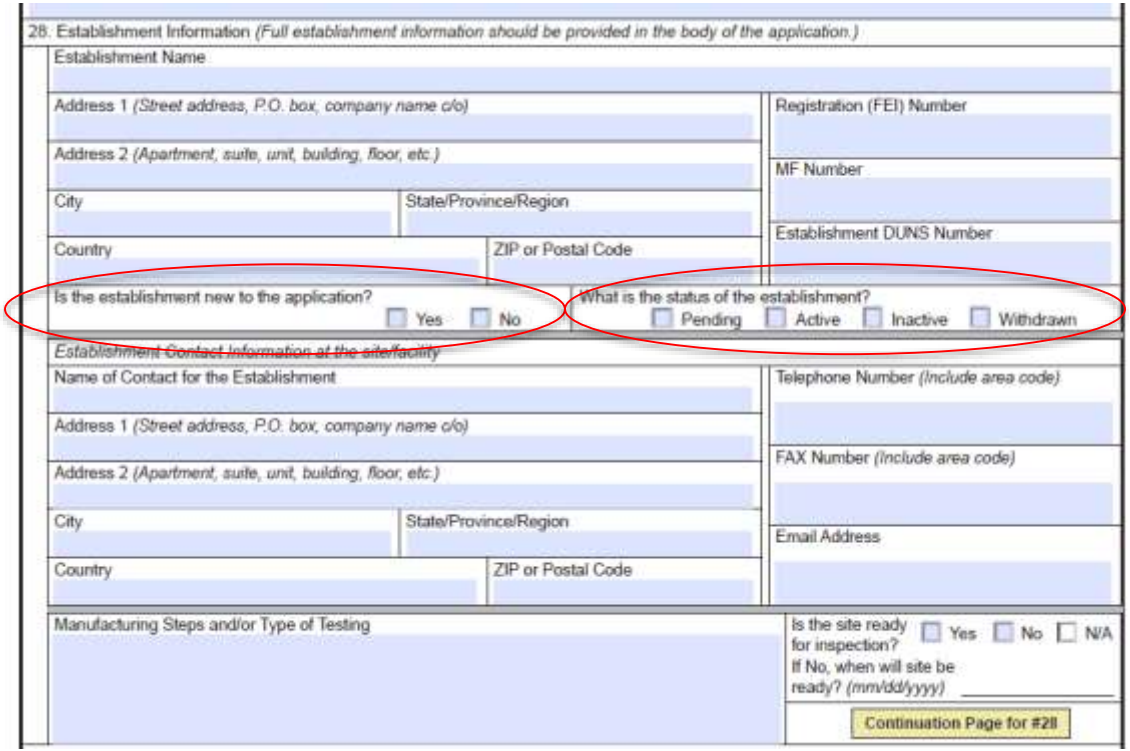
Goal Date Extension

Question: What happens to your goal date if you withdraw an amendment?

Answer: If the amendment extended the goal date, the extended goal date remains in effect.

Complete Form FDA 356h

- Section 28: Identify all applicable facilities and answer questions for EVERY submission.



28. Establishment Information *(Full establishment information should be provided in the body of the application.)*

Establishment Name

Address 1 *(Street address, P.O. box, company name c/o)*

Registration (FEI) Number

Address 2 *(Apartment, suite, unit, building, floor, etc.)*

MF Number

City | State/Province/Region

Establishment DUNS Number

Country | ZIP or Postal Code

Is the establishment new to the application? ☐ Yes ☐ No

What is the status of the establishment? ☐ Pending ☐ Active ☐ Inactive ☐ Withdrawn

Establishment Contact Information at the site/facility

Name of Contact for the Establishment

Telephone Number *(Include area code)*

Address 1 *(Street address, P.O. box, company name c/o)*

Address 2 *(Apartment, suite, unit, building, floor, etc.)*

FAX Number *(Include area code)*

City | State/Province/Region

Email Address

Country | ZIP or Postal Code

Manufacturing Steps and/or Type of Testing

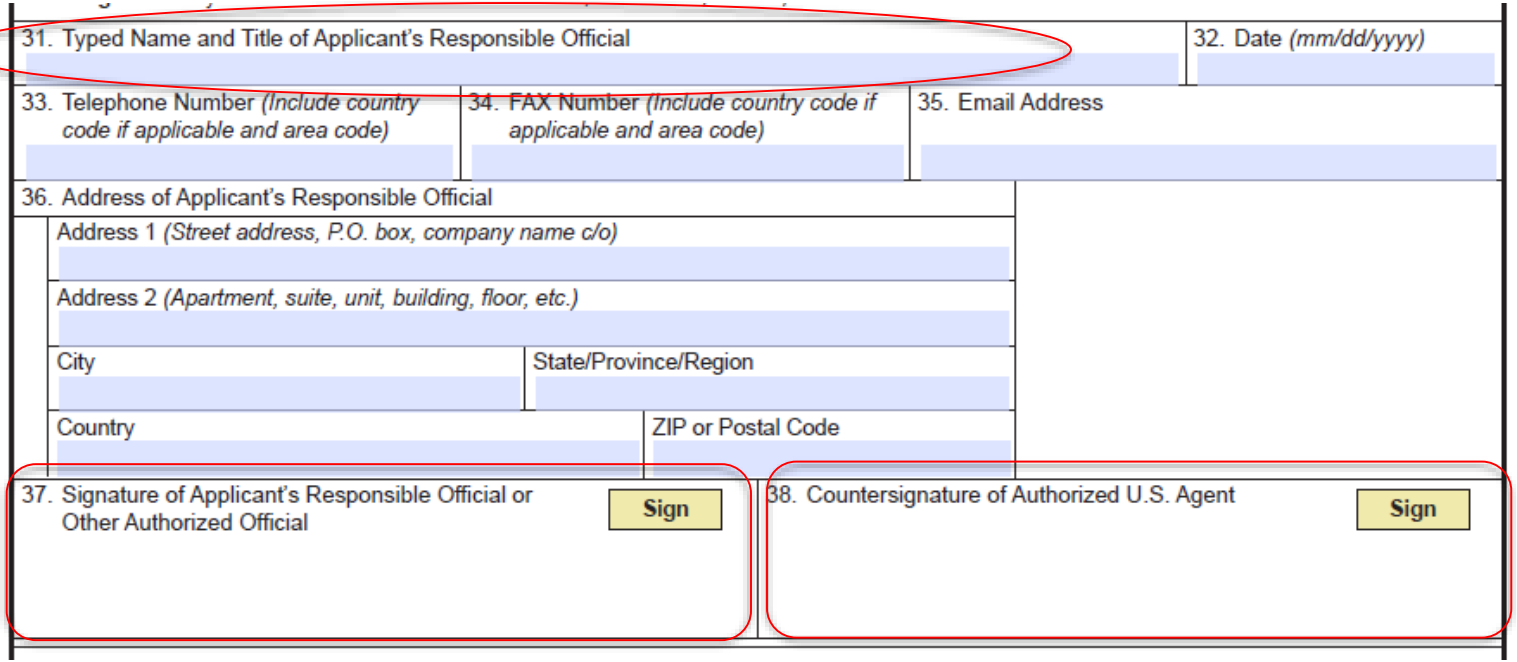
Is the site ready for inspection? ☐ Yes ☐ No ☐ N/A

If No, when will site be ready? *(mm/dd/yyyy)* _____

Continuation Page for #28

Complete Form FDA 356h

- Update authorized agents information (sections 31-36) and provide signature.



Form FDA 3674

1. Certification of compliance with ClinicalTrials.gov data bank requirements
   - 42 U.S.C. 282(j)(5)(B)
2. Submit with your original ANDA
3. Applicants must provide a Form FDA 3674 with any application that is submitted under Section 505 of the FD&C Act
4. https://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM048364.pdf
5. Failure to submit the certification or knowingly submitting a false certification are prohibited acts (see sections 301(jj) and 303(f)(3) of the FD&C Act)

Requests for Reconsideration (RfR)
- MAJOR/MINOR -

1. Draft Guidance: Requests for Reconsideration at the Division Level Under GDUFA (October 2017)
2. Refer to the Appendix A of the *Guidance for Industry, ANDA Submissions – Amendments to Abbreviated New Drug Applications Under GDUFA* (July 2018) before submitting any RFRs.
3. In cover letter, bold heading "Submission for Request for Reconsideration" and send courtesy copy/notification to RPM and ANDAReconsideration@fda.hhs.gov

DMF Collaboration

1. Collaborate with DMF Holder if you know actionable date approaching.
2. For supplements that involve a DMF amendment, recommend including DMF amendment date in cover letter.

Post-Approval Questions

1. Agency often receives inquiries as to what supplement category a proposed change should be submitted (i.e. Annual Report, CBE-0, CBE-30, PAS).

- Review 21 CFR 314.70 , 314.81 and FDA guidances:
    a. *Guidance for Industry – Changes to an Approved NDA or ANDA*
    b. *Guidance for Industry – SUPAC*
        i. *Immediate Release Solid Oral Dosage Forms*
        ii. *Modified Release Solid Oral Dosage Forms*
        iii. *Non-sterile Semisolid Dosage Forms*

Post-Approval Questions (cont'd)

2. Agency does not perform pre-review of supplements.
3. If applicant doesn't hear from FDA within 30 days of CBE-0 or CBE-30 receipt date, applicant can implement changes.

Finding Your RPM

DPM Organizational Chart


FDA
U.S. FOOD & DRUG
ADMINISTRATION