



Attachment Three

FDA Response Letter to Petition 2023-P-4291



Newcastle Bioscience LLC
999 Vanderbilt Beach Road, Suite 200
Naples, FL 34108
Attn: Gene Nakagawa

Docket No. FDA-2023-P-4291

Dear Gene Nakagawa:

This is in response to your petition received on October 1, 2023, by the U.S. Food and Drug Administration (FDA or Agency), requesting permission to submit an Abbreviated New Drug Application (ANDA) for the following drug product: Lacosamide Orally Disintegrating Tablets, 50 mg, 100 mg, 150 mg and 200 mg. The listed drug product to which you refer in your petition is Vimpat (Lacosamide) Tablets approved under NDA 022253 and held by UCB Inc.

Your request involves a change in dosage form from that of the listed drug product (i.e., from tablets to orally disintegrating tablets). The change that you request is the type of change that is permissible under section 505(j)(2)(C) of the Federal Food, Drug, and Cosmetic Act (Act), subject to FDA approval of a petition submitted under that section of the Act.

We have reviewed your petition under section 505(j)(2)(C) of the Act and FDA's implementing regulations at 21 CFR 314.93 and have determined that it is approved. This letter represents FDA's determination that an ANDA may be submitted for the above-referenced drug product.

Under section 505(j)(2)(C) of the Act and 21 CFR 314.93(e)(1), FDA will approve a petition properly submitted under § 314.93 seeking a dosage form that differs from the dosage form of the listed drug product unless it finds that one of the grounds for denying such a petition applies.

The Agency finds that the proposed change in dosage form for the proposed drug product does not pose questions of safety or effectiveness. The uses, dose, and route of administration of the proposed drug product are the same as that of the listed drug product. The proposed change is consistent with dosing recommendations in the labeling of the listed drug. In addition, if shown to meet bioequivalence requirements, the proposed drug product can be expected to have the same therapeutic effect as the reference listed drug product. Therefore, FDA concludes that the proposed change would not jeopardize the safe or effective use of the product so as to necessitate significant labeling changes, and investigations are not necessary to show the safety and effectiveness of the proposed dosage form.

In addition, this petition and your waiver request were evaluated with respect to the Pediatric Research Equity Act (PREA). PREA provides that a person who submits an application or supplement under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration shall submit assessments adequate to evaluate the safety and effectiveness of the drug for the

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claimed indications in all relevant pediatric subpopulations and to support dosing and administration in each pediatric subpopulation for which the drug is safe and effective, unless this requirement is waived. Section 505B of the Act. If a change proposed in a suitability petition triggers the need for pediatric studies under PREA to assess safety and efficacy in a relevant pediatric subpopulation and FDA does not waive the requirement, the proposed product will not be eligible to be approved in an ANDA and the suitability petition must be denied. See section 505(j)(2)(A) of the Act (“The Secretary may not require that an abbreviated application contain information in addition to that required by clauses (i) through (viii) [of Section 505(j)(2)(A)].”).

The Agency has determined that your proposed change in dosage form is subject to PREA, but has concluded that investigations are not necessary to demonstrate the safety and effectiveness of your proposed product in the pediatric population because the drug product is appropriately labeled for use in relevant pediatric populations.

The approval of this petition to allow an ANDA to be submitted for the above-referenced drug product does not mean that FDA has determined that an ANDA will be approved for the drug product. The determination of whether an ANDA will be approved is not made until the ANDA itself is submitted and reviewed by FDA.

To permit review of your ANDA submission, you must submit all information required under section 505(j)(2)(A) and (B) of the Act. To be approved, the drug product will, among other things, be required to meet current bioequivalence requirements under section 505(j)(2)(A)(iv) of the Act. During the review of your application, FDA may require the submission of additional information.

The listed drug product to which you refer in your ANDA must be the one upon which you based this petition. In addition, you must refer in your ANDA to the appropriate petition docket number cited above, and include a copy of this letter in the ANDA submission. 21 CFR 314.94(a)(3)(iii). Please note that once a new drug application is approved for a product that is the same as the subject of an approved petition such petition may not be utilized as the basis for submission of an ANDA.

A copy of this letter approving your petition will be placed on public display in the Dockets Management Branch, Room 1061, Mail Stop HFA-305, 5630 Fishers Lane, Rockville, MD 20852.

Sincerely,

William Chong, M.D.
Director
Office of Safety and Clinical Evaluation
for lilun Murphy, M.D.
Director
Office of Generic Drugs
Center for Drug Evaluation and Research



William
Chong

Digitally signed by William Chong

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