

April 8, 1999

Apotex Corp.
Attention: Marcy Macdonald
U.S. Agent for: Torpharm Inc.
50 Lakeview Parkway
Suite #127
Vernon Hills, IL 60061



Dear Madam:

This is in reference to your abbreviated new drug application dated July 10, 1997, submitted pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act (Act), for Ranitidine Tablets USP, 75 mg.

Reference is also made to your amendments dated September 21, and October 16, and December 23, 1998; and March 11, 1999.

We have completed the review of this abbreviated application and have concluded that, based upon the information you have presented to date, the drug is safe and effective for use as recommended in the submitted labeling. Therefore, the application is **tentatively approved**. 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 of the facilities used in the manufacturing and testing of the drug product) and is therefore subject to change on the basis of new information that may come to our attention.

The listed drug product referenced in your application is subject to a period of patent protection which expires on June 4, 2002, (Patent No. 4,521,431) and May 13, 2008 (Patent 4,880,636). Section 505(j)(5)(B)(iii) of the Act provides that approval of an abbreviated application shall be made effective immediately unless an action is brought before the expiration of forty-five days from the date the notice provided under paragraph (2)(B)(i) is received. You have notified FDA that Torpharm has complied with the requirements of Section 505(j)(2)(B) of the Act by providing the required notice to each patent holder, and that no action for patent infringement was brought against Torpharm Inc. within the statutory forty-five day period.

However, the Act provides that approval of an abbreviated application that contains a certification described in section 505(j)(2)(A)(vii)(IV) (a "Paragraph IV Certification"), and that is for a drug product for which a previous abbreviated application has been submitted which also contains a Paragraph IV Certification, shall be made effective not earlier than one hundred and eighty days after:

- (1) the date the Secretary receives notice from the applicant under the previous application of the first commercial marketing of the drug under the previous application, or
- (2) the date of a decision of a court holding the patent which is the subject of the certification to be invalid or not infringed,

whichever is earlier (section 505(j)(5)(B)(iv)).

In this instance, a previous abbreviated application for 75 mg ranitidine tablets, with a Paragraph IV Certification, has been submitted. Accordingly, your application will be eligible for final approval beginning on the date that is one hundred and eighty days after the date the Agency receives notice of the first commercial marketing of the drug under the previous application, or the date of a court decision described under section 505(j)(5)(B)(iv), whichever is earlier. We refer you to the Agency's recently issued guidance document "180-Day Generic Drug Exclusivity Under the Hatch-Waxman Amendments" (June 1998), for additional information.

Because the Agency is granting a tentative approval for this application, when your application may be considered for final approval, you must amend your application. The Agency will provide you written notice of the information needed to determine the earliest possible final approval date of your application under section 505(j)(5)(B)(iv) as soon as such information becomes available. Your amendment, which must be submitted at least 60, but not more than 90 days prior to final approval must then provide:

1. updated information related to labeling or chemistry, manufacturing and controls data, or any other change in the conditions outlined in this abbreviated application, or
2. a statement that no such changes have been made to the application since the date of tentative approval.

Any changes in the conditions outlined in this abbreviated application and the status of the manufacturing and testing facilities' compliance with current good manufacturing procedures are subject to Agency review before final approval of the application will be made.

In addition to, or instead of, the amendments referred to above, the Agency may, at any time prior to the final date of approval, request that you submit amendments containing the information requested above.

Failure to submit either or both amendments may result in rescission of this tentative approval determination, or delay in issuance of the final approval letter.

The drug product that is the subject of this abbreviated application may not be marketed without final Agency approval under section 505 of the Act. The introduction or delivery for introduction into interstate commerce of this drug before the final approval date is prohibited under section 501 of the Act. Also, until the Agency issues the final approval letter, this drug product will not be listed in the Agency's "Approved Drug Products with Therapeutic Equivalence Evaluations" list.

The amendment should be designated as a MINOR AMENDMENT in your cover letter. Before you submit the amendment, please contact Kassandra Sherrod, Project Manager, at (301) 827-5849, for further instructions.

Sincerely yours,

Douglas L. Sporn
Director
Office of Generic Drugs
Center for Drug Evaluation and Research