

November 28, 2001

Gensia Sicor Pharmaceuticals, Inc.
Attention: Elvia Gustavson
U.S. Agent for Aesgen, Inc.
19 Hughes
Irvine, CA 92618-1902

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated February 17, 1999, submitted pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act (Act), for Pamidronate Disodium for Injection, 30 mg/vial and 90 mg/vial.

Reference is also made to your amendments dated June 21, August 1, August 16, August 22, and August 23, 2001. We also reference your patent/exclusivity-related correspondences dated May 14 and June 23, 1999; May 26, June 21, and August 7, 2000; and June 18, July 10, August 13, and September 27, 2001.

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 (CGMPs) of the facilities used in the manufacture and testing of the drug product. The determination is subject to change on the basis of new information that may come to our attention.

The listed drug product (RLD) referenced in your application, Aredia® Injection of Novartis Pharmaceuticals Corporation, is subject to a period of patent protection which expires on July 29, 2005, (U.S. Patent No. 4,711,880 [the '880 patent]). Your application contains a Paragraph IV Certification to the '880 patent under Section 505(j)(2)(A)(vii)(IV) of the Act stating that your commercial manufacture, use, or sale of this drug product will not infringe on this patent. You have

notified the Agency that Aesgen, Inc. (Aesgen) has complied with the requirements of Section 505(j)(2)(B) of the Act and that no legal action regarding the '880 patent was brought against Aesgen within the statutory forty-five day period.

However, we are unable to grant final approval to your application at this time. This is because the Act provides that approval of an ANDA containing 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 ANDA 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)).

With respect to Pamidronate Disodium for Injection, 30 mg/vial and 90 mg/vial, a previous abbreviated application containing a Paragraph IV Certification was accepted for filing by this office prior to receipt of your application. Furthermore, we are aware that a court decision finding non-infringement of the '880 patent was rendered by the U.S. District Court for the Northern District of Illinois on November 6, 2001. Accordingly, your application will be eligible for final approval beginning on the date that is one hundred and eighty days after the date of this court decision as described under section 505(j)(5)(B)(iv). We refer you to the Agency's guidance document entitled 180-Day Generic Drug Exclusivity Under the Hatch-Waxman Amendments (June 1998), for additional information.

In order to reactivate this application prior to final approval, please submit a MINOR AMENDMENT - FINAL APPROVAL REQUESTED between 60 to 90 days prior to the date you believe your application will be eligible for final approval. This amendment should identify changes, if any, in the conditions under which the product was tentatively approved, and should include updated information such as final-printed labeling, chemistry, manufacturing, and controls data as appropriate. Please note

that this amendment should be submitted even if none of these changes were made. The amendment should be designated clearly in your cover letter as a MINOR AMENDMENT - FINAL APPROVAL REQUESTED. In addition to this amendment, the Agency may request at any time prior to the final date of approval that you submit an additional amendment containing the information described above.

Failure to submit such an amendment requested by the Agency will prompt a review of the application which may result in rescission of the tentative approval status of your application, or may result in a delay in the issuance of the final approval letter.

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

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 effective 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.

For subsequent information on the status of your application and prior to submitting the amendment referenced above, please contact Sarah Ho, R.Ph., Project Manager, at 301-827-5848, for further instructions.

Sincerely yours,

Gary Buehler
Director
Office of Generic Drugs
Center for Drug Evaluation and Research