



Food and Drug Administration
Rockville MD 20857

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OCT 18 2005

Lachman Consultant Services, Inc.
Attention: Robert W. Pollock
1600 Stewart Avenue
Westbury, NY 11590

Docket No. 2003P-0464/CP1

Dear Mr. Pollock:

This is in response to your petition filed on October 2, 2003, requesting permission to file an Abbreviated New Drug Application (ANDA) for the following drug product: Clonazepam Oral Suspension, 1 mg/5 mL. The listed drug product to which you refer in your petition is Klonopin (Clonazepam) Tablets, 1 mg, approved under NDA 17-533, held by Roche. In addition, you note that Klonopin is also available as 0.5 mg tablets and 2 mg tablets, and as Klonopin Orally Disintegrating Tablets, 0.125 mg, 0.25 mg, 0.5 mg, 1 mg and 2 mg.

Your request involves a change in the dosage form (i.e., from 1 mg tablets to 1 mg/5 mL oral suspension) from that of the listed drug product. The change you request is the type of change that is authorized under the Federal Food, Drug, and Cosmetic Act (Act).

We have reviewed your petition under Section 505(j) (2) (C) of the Act and have determined that it is approved. This letter represents the Food and Drug Administration's (FDA) determination that an ANDA may be submitted for the above-referenced drug product.

In addition, this petition and your waiver request were evaluated with respect to the "Pediatric Research Equity Act of 2003" (PREA). PREA requires that all applications for new active ingredients, new indications, new dosage forms, new dosing regimens, or new routes of administration include an assessment of the safety and effectiveness of the drug for the claimed indication in all relevant pediatric subpopulations unless the requirement is waived or deferred. Your pending ANDA suitability petition is affected by this Act because it is a petition for a change in dosage form. Clonazepam is labeled for pediatric use for seizure disorders which includes dosing instructions for pediatric patients down to infants. However, pediatric labeling for clonazepam is lacking for panic disorder. Clonazepam is unlikely to be used in a significant pediatric population for panic disorder and does not represent a meaningful therapeutic benefit over other available drugs for panic disorder. Therefore, the FDA has determined that it is appropriate to waive the requirements under PREA for the panic disorder indication.

Under Section 505(j)(2)(C)(i) of the Act, the FDA must approve a petition seeking a change in dosage form that differs from the listed drug product unless it finds that investigations must be conducted to show the safety and effectiveness of the differing dosage form.

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Clonazepam Oral Suspension, 1 mg/5mL
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The FDA finds that the change in dosage form for the specific proposed drug product does not pose questions of safety or effectiveness because the uses, dose, and route of administration of the proposed drug product are the same as that of the listed drug product. The FDA concludes, therefore, that clinical investigations are not necessary to show safety or effectiveness in this instance. In addition, if shown to meet bioavailability requirements, the proposed drug product can be expected to have the same therapeutic effect as the listed reference drug product.

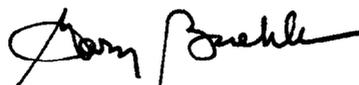
The approval of this petition to allow an ANDA to be submitted for the above-referenced drug product does not mean that the FDA has determined that an ANDA will be approved for the drug product. The determination of whether an ANDA will be approved is not made until the ANDA itself is submitted and reviewed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

To permit review of your ANDA submission, you must submit all information required under Sections 505(j) (2) (A) and (B) of the Act. To be approved, the drug product will, among other things, be required to meet current bioavailability requirements under Section 505(j) (2) (A) (iv) of the Act. We suggest that you submit your protocol for this drug product to the Office of Generic Drugs, Division of Bioequivalence prior to the submission of your ANDA. During the review of your application, the FDA may require the submission of additional information.

The listed drug product to which you refer in your ANDA must be the drug product upon which you based this petition. In addition, you should refer in your ANDA to the appropriate petition docket number cited above, and include a copy of this letter in the ANDA submission. Please note that once an application is approved for a product that is the same as the subject of an approved petition, that drug product will be the listed drug. Thereafter, a 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 yours,



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