

# Genentech

IN BUSINESS FOR LIFE

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March 2, 2007

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
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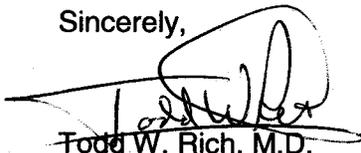
Subject: **Docket No. 2006D-0347**  
Comments on In Vitro Diagnostic Multivariate Index Assays  
(DRAFT GUIDANCE)

Dear Dockets Management Branch:

Enclosed are comments, provided by Genentech, for the *Draft Guidance* In Vitro Diagnostic Multivariate Index Assays.

Thank you for providing us the opportunity to comment on the Draft Guidance. We hope that you will find our comments useful and constructive.

Sincerely,



Todd W. Rich, M.D.

Vice President  
Clinical and Commercial Regulatory Affairs

**Docket for Review and Comment**

**In Vitro Diagnostic Multivariate Index Assays; Draft Guidance Document**

**Docket No. 2006D-0347**

**Draft Guidance Document Issued September 7, 2006  
Comments due March 5, 2007**

Genentech, Inc.  
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**Genentech, Inc.**

1/Response to Docket on In Vitro Diagnostic Multivariate Index Assays; Public Meetings

The following comments are provided by Genentech, Inc. on Docket No. 2006D-0347, "Draft Guidance for Industry, Clinical Laboratories, and FDA Staff on In Vitro Diagnostic Multivariate Index Assays." We welcome the opportunity to comment on this draft guidance document.

The role of diagnostics in defining patient populations that are responsive to specific therapeutics has changed significantly in the past decade. Because it is important that FDA address issues related to this development, Genentech supports FDA's rationale for the draft guidance, as well as FDA's risk-based approach to regulation of IVDMIAs. We believe that oversight by FDA could avoid at least three unacceptable scenarios:

1. A patient being deprived of a potentially life-saving or life-extending medicine because of a negative test result to an assay that does not appropriately correspond with all responders to such medicine,
2. A patient unnecessarily being administered a medicine, and
3. The substitution of an FDA-sanctioned assay with an assay that has not undergone appropriate clinical validation.

As noted in the guidance, IVDMIAs represent a new category of laboratory tests that raise new issues of safety and effectiveness, compared with other tests that are laboratory-based. These unique devices differ from the traditional laboratory-developed tests that use analyte specific reagents (ASRs) in their development. We agree with FDA's approach of limiting regulatory oversight to a specific category of tests and using enforcement discretion for less risky devices.

In particular, we support regulatory oversight of IVDMIAs that are used as predictive diagnostics. This type of test may be used to determine whether a patient should receive (or not receive) a treatment such as chemotherapy or a biologic drug.

Of particular concern to Genentech are IVDMIAs that are being used as a primary, or sole, determining factor in decisions about whether a patient will receive a critical and potentially life-saving treatment. Consistent with FDA's mandate to protect and promote the public health, an appropriately rigorous scientific evaluation conducted through premarket review is necessary to support approval of IVDMIAs, as well as claims promoting their use for diagnosis and treatment of patients.

**Genentech, Inc.**

2/Response to Docket on In Vitro Diagnostic Multivariate Index Assays; Public Meetings

A recent experience we had with a laboratory-developed diagnostic intended for use with one of our products reinforces our position that FDA should regulate claims of certain diagnostics. Although this particular laboratory-developed test was not an IVDMA, the same issues apply to IVDMA that are not regulated by FDA.

This laboratory-developed test made what we consider misleading and inaccurate claims about its accuracy and clinical utility, claims that are not supported by either the analytical data or the clinical data cited. Because the results of this test could form the basis for treatment decisions and the claims could lead to inappropriate treatment of patients, this is highly concerning. We believe this example illustrates the serious consequences that may occur when claims are not regulated by FDA.

We are also concerned about the possibility and impact of false positive or negative results with IVDMA. A false result could directly affect a patient treatment decision, potentially excluding patients from receiving life-saving therapy or putting patients at risk by receiving unnecessary treatments.

We believe that FDA review of IVDMA would resolve concerns about the difficulty or inability to verify the results of some of these tests. Result verification may not be possible because developers often do not make available proprietary information about assay clinical performance characteristics for health care providers to interpret. If FDA reviews and approves the IVDMA, test users will be assured that safety and effectiveness have been established.

We support the use of IVDMA and the innovation and advancement in IVD technology that these products represent. However, to protect against inappropriate treatment decisions, we believe that appropriate clinical studies are required to support the clinical claims made about these tests.

Thank you for the opportunity to comment on this draft guidance.