



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

October 18, 2006

FILE COPY

Charles A. Weiss
Kenyon & Kenyon Intellectual Property Law
One Broadway
New York, New York 1004-1007

Dear Mr. Weiss:

Your petition submitted, on behalf of KV Pharmaceutical Company, requesting the Food and Drug Administration to refrain from approval of any Abbreviated New Drug Application (ANDA) for metoprolol succinate extended release 100 mg and 200 mg tablets subsequent to ANDA 76-640 from KV Pharmaceutical, was received by this office on 10/18/2006. It was assigned docket number 2006P-0422/CP1 and it was filed on 10/18/2006. Please refer to this docket number in future correspondence on this subject with the Agency.

Please note that the acceptance of the petition for filing is a procedural matter in that it in no way reflects an agency decision on the substantive merits of the petition.

Sincerely,

Jennie Butler, Director
Division of Dockets Management
Office of Management Programs
Office of Management

2006P.0422

ACK