

**Butler, Jennie C**

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**From:** Ron Warren [Ron.Warren@advancedtissue.com]

**Sent:** Tuesday, June 11, 2002 6:34 PM

**To:** 'FDADockets@oc.fda.gov'

**Subject:** Notice of Participation - June 24th Public Hearing

Please see attached request for participation in the June 24th FDA Public Hearing on wound healing products containing live cells. Thank you, Ron Warren

<<ATS Notice of Participation June 24 2002 Hearing.DOC>>

02N-0169

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6/12/02

June 11, 2002

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane  
Room 1061  
Rockville, MD 20852

Re: Docket No. 02N-0169: Notice of Participation, Public Hearing on Combination  
Products Containing Live Cellular Components

Dear Sir/Madam:

By this notice, Advanced Tissue Sciences, Inc. ("ATS") requests the opportunity to participate in the Food and Drug Administration's public hearing on June 24, 2002 regarding combination products containing live cellular components that are intended for wound healing. The company attendees will represent the interests of Advanced Tissue Sciences, Inc., the manufacturer, and Smith & Nephew, the U.S. distributor of these products. The designated speakers for ATS's presentation are as follows:

Gary Gentzkow, M.D.  
Executive Director, Worldwide Medical Affairs  
Advanced Tissue Sciences, Inc.  
10933 North Torrey Pines Road  
La Jolla, CA 92037-1005  
tel: (858) 713-7836

Ronald S. Warren  
Executive Director, Regulatory Affairs  
Advanced Tissue Sciences, Inc.  
10933 North Torrey Pines Road  
La Jolla, CA 92037-1005  
tel: (858) 713-7808

FDA has stated in its Federal Register notice announcing the public hearing that it is soliciting information to determine whether this class of products, many of which have

been reviewed and regulated by the Center for Devices and Radiological Health (CDRH), “should be transferred to the Center for Biologics Evaluation and Research (CBER) for regulation.”<sup>1/</sup> ATS is one of three companies that would be affected most directly and dramatically by such a transfer. ATS has approval to market Dermagraft<sup>®</sup>, a dermal substitute for the treatment of diabetic foot ulcers (P000036/P960007), and is the sponsor of a variety of other device applications for wound use, including an Investigational Device Exemption application (“IDE”) for Dermagraft for use as an alternative to autologous palatal connective tissue grafts in periodontal wounds requiring root coverage (IDE 020064); an IDE for a venous ulcer wound indication (IDE G000127); an IDE for a pressure ulcer wound indication (IDE G990209); and, most recently, a Humanitarian Use Device designation for the treatment of epidermolysis bullosa (Request #01-0077) (a disease that results in the development of recurrent blisters, open sores, ulcerations, and similar wounds). For the last decade, ATS has built its product portfolio, personnel, systems, and marketing apparatus<sup>2/</sup> around the expectation that these products would be regulated as devices.

Given the significance of these issues to the Company’s operations, ATS respectfully requests a total of one (1) hour for Dr. Gentzkow’s and Mr. Warren’s presentations. ATS also respectfully requests the opportunity to speak as early in the hearing as possible.

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<sup>1/</sup> 67 Fed. Reg. 34722, 34722 (May 15, 2002).

<sup>2/</sup> ATS markets its Dermagraft and TransCyte<sup>®</sup> products in a joint venture with Smith & Nephew plc.

ATS speakers will rely on Power Point presentations and will be bringing their own equipment, but request access to a screen.

**Brief Summary of Presentation**

Dr. Gentzkow and Mr. Warren will both speak on behalf of ATS, the product manufacturer, and on behalf of Smith & Nephew, who markets Dermagraft in the U.S.

Dr. Gentzkow will focus on the scientific issues raised by the Federal Register notice and

Mr. Warren will focus on the regulatory/policy issues. Specifically, Dr. Gentzkow will discuss:

- ATS's experience with respect to public health and CDRH regulation of its products, including the safety record of the Dermagraft product and the specific safety and efficacy issues reviewed by CDRH in the PMA context.
- Potential differences in CDRH and CBER premarket review of products (e.g., with respect to clinical trial design), and ATS's perspective on scientific and policy issues related to such differences.
- Comments concerning the specific safety and efficacy issues that should be demonstrated for ATS's pipeline products.
- Comments concerning the multi-Center draft guidance for this category of products.

Mr. Warren will discuss:

- The importance of CDRH regulatory authority and initiatives (e.g., Food and Drug Administration Modernization Act initiatives) to ATS's existing marketed products and products in development.
- Manufacturing control issues and concerns that would result from a transfer of ATS's products to CBER for regulation, the scope and extent of federal and state regulation of products containing cellular components, and ATS's experience with FDA regulation of the manufacture of Dermagraft.
- Issues and concerns presented by the Federal Register reference to determination of "primary mode of action," based on the "level of contribution of each component to the therapeutic effect."
- Equitable, practical and regulatory issues that should be considered by the Agency in the assignment of primary jurisdiction (e.g., consistency of regulation for the same product), when there is no clear understanding of "primary mode of action."
- FDA's historical interpretation of "primary mode of action," related definitional issues, the regulatory and policy implications of any changes to historical approaches, and related equitable and practical issues raised by FDA's contemplated transfer of jurisdiction for the class of products covered by the hearing.

[Date]

Page 5

ATS appreciates the opportunity to present its views on this issue, which has extremely important implications for both its ongoing business and future development of the Company's products. You can reach me at 858-713-7808 or by e-mail, [ron.warren@advancedtissue.com](mailto:ron.warren@advancedtissue.com), should you have any questions.

Sincerely,

Ronald S. Warren

Executive Director, Regulatory Affairs

bcc: David W. Feigal, Jr., M.D., M.P.H.