Waiver to Allow Participation in a Food and Drug Administration Advisory Committee

DATE: June 15, 2017

TO: Janice M. Soreth, M.D.
Associate Commissioner for Special Medical Programs
Office of Medical Products and Tobacco
Office of the Commissioner, FDA

THROUGH: Jeffrey Anderson, M.S., RAC
Director (Acting), Advisory Committee Oversight and Management Staff
Office of Special Medical Programs

FROM: Jayne E. Peterson, B.S.Pharm., J.D.
Director, Division of Advisory Committee and Consultant Management
Center for Drug Evaluation and Research

Name of Advisory Committee Member: Andrew Seidman, M.D.

Committee: Oncologic Drugs Advisory Committee Meeting

Meeting date: July 13, 2017

Description of the Particular Matter to Which the Waiver Applies:

Dr. Seidman is serving as a temporary voting member of the Oncologic Drugs Advisory Committee. The Committee's function is to review and evaluate available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cancer and make appropriate recommendations to the Commissioner of Food and Drugs

During the afternoon session, the committee will discuss biologics license application (BLA) 761074 for MYL-1401O, a proposed biosimilar to Genentech Inc.'s HERCEPTIN (trastuzumab), submitted by Mylan GmbH. The proposed indications (uses) for this product are: (1) for adjuvant treatment of HER2 overexpressing node positive or node negative (ER/PR negative or with one high risk feature) breast cancer (a) as part of a treatment regimen consisting of doxorubicin, cyclophosphamide, and either paclitaxel or docetaxel; (b) with docetaxel and carboplatin; or (c) as a single agent following multi-modality anthracycline based therapy; (2) in combination with paclitaxel for first-line treatment of HER2-overexpressing metastatic breast cancer; (3) as a single

agent for treatment of HER2-overexpressing breast cancer in patients who have received one or more chemotherapy regimens for metastatic disease; and, (4) in combination with cisplatin and capecitabine or 5-fluorouracil, for the treatment of patients with HER2 overexpressing metastatic gastric or gastroesophageal junction adenocarcinoma who have not received prior treatment for metastatic disease. The topic of this meeting is a particular matter involving specific parties.

Type, Nature, and Magnitude of the Financial Interests:

Dr. Seidman's employer, Memorial Sloan-Kettering Cancer Center (MSKCC), is participating in a clinical trial funded by (b) (4) The study began in 2015.

Total funding to MSKCC from (b) (4) for this study is between $850,000 – $900,000. Dr. Seidman is a Principal Investigator and receives between $10,001 – $25,000 in salary support per year in that capacity.

Additionally, Dr. Seidman is a member of (b) (4) Speakers Bureau for (b) (4) regarding (b) (4) cancer; however, he has not given a talk on this topic in the past year. Dr. Seidman's term on the Speakers Bureau is from November 19, 2014 – November 15, 2017. He receives between $10,001 – $25,000 per year.

Basis for Granting the Waiver:

Regulation of biosimilar products is new and is evolving through interpretation of the law and the published FDA guidance. Section 351(i) of the Public Health Service (PHS) Act defines biosimilarity to mean "that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components" and that "there are no clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product."[1] Evaluation of clinical pharmacology data is critical in addressing "no clinically meaningful difference in safety, purity and potency" between the biosimilar and the US-reference product.

At this meeting, the committee will discuss Mylan's MYL-1401O, a proposed biosimilar to Genentech's HERCEPTIN (trastuzumab). To be approved, Mylan must demonstrate that MYL-1401O is highly similar to trastuzumab, and has no clinically meaningful differences in terms of safety and efficacy from the reference product. The advisory committee plays a significant role in the biosimilars review process, ensuring its transparency to the public and bringing expertise to vet critical information. It is imperative that we seek advice from experts with diverse backgrounds including clinical pharmacology, medical oncology, and biostatistics to evaluate and discuss the totality of evidence submitted.

[1] Section 7002(b)(3) of the Affordable Care Act, adding section 351(i)(2) of the PHS Act

Dr. Seidman has unique qualifications and specialized expertise needed for this particular matter.

Andrew Seidman, M.D., is Associate Chair of Academic Administration with the Department of Medicine at Memorial Sloan-Kettering Cancer Center (MSKCC) and Professor of Medicine at the Weill Cornell Medical College. He is also an Attending Physician at the Memorial Hospital for Cancer & Allied Diseases with the Department of Medicine, Breast Medicine Service. Dr. Seidman attended the Hahnemann University School of Medicine and did his residency at the Pennsylvania Hospital, followed by a fellowship in medical oncology and hematology at MSKCC. He has been in practice for over 30 years.

Dr. Seidman is a medical oncologist with expertise in the management of both early stage and advanced breast cancer. His research interests include the clinical investigation of novel chemotherapeutic and targeted agents in the treatment of metastatic breast cancer. Dr. Seidman's research has been published in peer-reviewed journals that include *Journal of Clinical Oncology*, *Journal of the National Cancer Institute*, *Cancer*, *Clinical Cancer Research,* and *Oncology*. He is the only medical oncologist attending this meeting with expertise in the management of both early and metastatic breast cancer. There were a total of six special Government employees with expertise in breast cancer invited and four were unable to attend due to schedule conflicts. The division would like at least two breast cancer experts present because three of the four proposed indications at issue involve HER2-overexpressing breast cancer. Dr. Seidman's participation in the committee's discussions will provide necessary expertise for this important discussion.

There is limited expertise available and it is difficult to locate similarly qualified individuals without a disqualifying financial interest.

Dr. Seidman is one of 14 medical oncologists invited to participate in the meeting. Five were unable to attend due to schedule conflicts, and two were recused due to conflict and appearance issues. A productive discussion of the application before the committee at this meeting depends upon having an adequate number of medical oncologists attending. Being able to draw upon a diverse set of competencies and knowledge is essential if the committee is to successfully address the complex issues being discussed. Dr. Seidman's participation in the committee's discussions will ensure the level of expertise and objectivity required to provide expert advice and recommendations to the Agency regarding Mylan's MYL-1401O.

The particular matter is sensitive.

The meeting topic is considered to be sensitive. The Division does expect that the meeting is likely to receive significant public interest and (non-trade) press interest. This will be the first biosimilar product seeking approval for a number of indications including HER2-overexpressing breast cancer, metastatic gastric or gastroesophageal junction adenocarcinoma indications being discussed at the meeting.

Dr. Seidman's expertise in this particular matter is necessary in the interest of public health.

The Patient Protection and Affordable Care Act (Affordable Care Act), signed into law on March 23, 2010, amends the PHS Act to create an abbreviated licensure pathway for biological products that are demonstrated to be "biosimilar" to or "interchangeable" with an FDA-licensed biological product. This pathway is provided in the part of the law known as the Biologics Price Competition and Innovation Act (BPCI Act). Under the BPCI Act, a biological product may be demonstrated to be "biosimilar" if data show that, among other things, the product is "highly similar" to an already-approved biological product. A biosimilar product is a biological product that is approved based on a showing that it is highly similar to an FDA-approved biological product, known as a reference product, and has no clinically meaningful differences in terms of safety, purity and potency from the reference product. Only minor differences in clinically inactive components are allowable in biosimilar products. Biosimilars can provide more treatment options for patients, and possibly lower treatment costs.

As the only expert with experience in the management of both early and metastatic breast cancer, Dr. Seidman's participation in this meeting will allow for a well-rounded discussion because he brings a specific expertise in the treatment of breast cancer that will further the committee's discussion, resulting in a productive meeting in the interest of public health.

Any potential for a conflict of interest is greatly outweighed by the strong need for Dr. Seidman's expertise in this matter.

In the interest of public health, it is critical for the Agency to review biosimilar products shown to be highly similar to an FDA-approved biological product, and has no clinically meaningful differences in terms of safety, purity and potency from the reference product. Biosimilars can provide more treatment options for patients, and possibly lower treatment costs. Dr. Seidman's breast cancer expertise is critical for the assessment of biosimilarity.

Accordingly, I recommend that you grant Dr. Andrew Seidman, a temporary voting member of the Oncologic Drugs Advisory Committee, a waiver from the conflict of interest prohibitions of 18 U.S.C. §208(a).

Certification:

___X___ The individual may participate, pursuant to 18 U.S.C. 208(b)(3) – The need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved.

Limitations on the Regular Government Employee's or Special Government Employee's Ability to Act:

_____ Non-voting

_____ Other (specify):

_____ Denied – The individual may not participate.

Janice M. Soreth -S

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Janice M. Soreth, M.D.
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Date