

NDA 022110

**NOTIFICATION OF
NON-COMPLIANCE WITH PREA**

Cumberland Pharmaceuticals, Inc.
Attention: Beth A. Zaborny
Director, Regulatory Affairs
2525 West End Avenue
Suite 950
Nashville, TN 37203

Dear Ms. Zaborny,

Please refer to your New Drug Application (NDA) submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (the Act) for Vibativ (telavancin) for injection, 250 mg and 750 mg, which was approved on September 11, 2009.

The Agency has determined that you have failed to meet the postmarketing requirement (PMR) of the Pediatric Research Equity Act (PREA) for this application because you have not yet submitted your pediatric assessment for PMR 1995-1, which was deferred until September 30, 2019. Therefore, we are hereby notifying you that due to your failure to submit either a pediatric assessment or a request for a deferral extension, you are not in compliance with federal law.

Under the provisions of section 505B(d)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) [21 U.S.C. 355c(d)(1)], you must respond in writing within 45 calendar days of the date of this letter. Your response should include the reason(s) for the delayed pediatric assessment and a date by which you expect to submit the assessment. You may also include a request for a deferral extension, if applicable, which should be identified as a “**DEFERRAL EXTENSION REQUESTED**” in your response.

In accordance with the FD&C Act, FDA will post this letter and your response to the website at <http://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/ucm343203.htm> with redactions for any trade secrets and confidential commercial information 60 calendar days from the date of this letter.

Please identify your response to this letter as a “**RESPONSE TO PREA NON-COMPLIANCE LETTER.**” To facilitate our review, submit this information to your NDA with a cross-reference letter to the Investigational New Drug Application (IND) to which your protocol has been submitted.

If you have any questions, call J. Christopher Davi, MS, Senior Regulatory Project Manager, at (301) 796-0702.

Sincerely,

{See appended electronic signature page}

Sumathi Nambiar, MD, MPH
Director
Division of Anti-Infectives
Office of Infectious Diseases
Center for Drug Evaluation and Research

This is a representation of an electronic record that was signed electronically. Following this are manifestations of any and all electronic signatures for this electronic record.

/s/

SUMATHI NAMBIAR
12/12/2019 04:23:38 AM