

ORIGINAL PMA APPROVAL ORDER
October 19, 2020

Avioq, Inc.
Attention: Ms. Linda Garner
(b) (4)

Re: BP180279/0
Device Name: VioOne™ HIV Profile™ Supplemental Assay
Filed: November 16, 2018
Amended: January 2, 2019; January 7, 2019; January 31, 2019;
March 11, 2019; August 2, 2019; October 11, 2019; April 23, 2020;
August 3, 2020; August 19, 2020; August 28, 2020;
September 10, 2020; September 14, 2020; October 2, 2020;
October 6, 2020; October 13, 2020; October 15, 2020; October 19,
2020

Dear Ms. Garner:

The Center for Biologics Evaluation and Research (CBER) of the Food and Drug Administration (FDA) has completed its review of your premarket approval application (PMA) for the VioOne™ HIV Profile™ Supplemental Assay.

The VioOne™ HIV Profile™ Supplemental Assay is an enzyme-linked immunosorbent assay (ELISA) for confirmation and differentiation of individual antibodies directed to Human Immunodeficiency Virus Type 1 (HIV-1 Group M & Group O) and Type 2 (HIV-2) in human serum or plasma. The VioOne™ HIV Profile™ Supplemental Assay is intended as an aid in the diagnosis of infection with HIV-1 and/or HIV-2. It is intended as an additional, more specific test to confirm the presence of antibodies to HIV-1 and HIV-2 for specimens repeatedly reactive in diagnostic procedures, including pediatric patients (ages 2-20).

This device is not intended for use as a first line diagnostic test or for screening donors of blood, blood products, or human cells or tissues or cellular and tissue-based products (HCT/PS).

We are pleased to inform you that the PMA is approved. You may begin commercial distribution of the device in accordance with the conditions of approval described below. Although this letter refers to your product as a device, please be aware that some approved products may instead be combination products.

The Premarket Approval Database located at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMA/pma.cfm> identifies combination product submissions.

The sale and distribution of this device is restricted to prescription use in accordance with 21 CFR 801.109 and under section 515(d)(1)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (the act). The device is further restricted under section 515(d)(1)(B)(ii) of the act insofar as the labeling must specify the specific training or experience practitioners need in order to use the device. FDA has determined that these restrictions on sale and distribution are necessary to provide reasonable assurance of the safety and effectiveness of the device. Your device is therefore a restricted device subject to the requirements in sections 502(q) and (r) of the act, in addition to the many other FDA requirements governing the manufacture, distribution, and marketing of devices.

Expiration dating for this device has been established and approved at 13 months at 2–8°C. This is to advise you that the protocol you used to establish this expiration dating is considered an approved protocol for the purpose of extending the expiration dating as provided by 21 CFR 814.39(a)(7).

Continued approval of the PMA is contingent upon the submission of periodic reports, required under 21 CFR 814.84, at intervals of one year (unless otherwise specified) from the date of approval of the original PMA. This report, identified as "**Annual Report**" and bearing the applicable PMA reference number, should be submitted to the address below. The Annual Report should indicate the beginning and ending date of the period covered by the report and should include the information required by 21 CFR 814.84.

In addition to the above, and in order to provide continued reasonable assurance of the safety and effectiveness of the PMA device, the Annual Report must include, separately for each model number (if applicable), the number of devices sold and distributed during the reporting period, including those distributed to distributors. The distribution data will serve as a denominator and provide necessary context for FDA to ascertain the frequency and prevalence of adverse events, as FDA evaluates the continued safety and effectiveness of the device.

You have agreed on October 6, 2020 via an amendment to BP180279/0 to provide the following information **in a report or as part of the annual report**, which may be followed by a PMA supplement where applicable.

1. Endogenous interference using HIV-positive samples

Please provide the results of testing the interference of bilirubin, hemoglobin, triglycerides, and HAMA using HIV-1, HIV-2, and HIV-1/2-positive samples so that we may evaluate the effect of endogenous interferents on the performance of the VioOne™ HIV Profile™ Supplemental Assay. It is acceptable to use spiked samples to perform the study, with analyte levels near the cutoff. The concentrations of interferents tested and sample numbers should be equivalent to those tested in the study using HIV-negative samples. Please note that if you

do not see any interference at the highest concentration of the interferent tested you do not need to also evaluate lower, non-negative concentrations.

This study should be completed by the anniversary of approval of the PMA. The results of this study may be provided in the PMA annual report submitted per 21 CFR 814.84.

2. Complaint reporting

For five years following approval, please provide the complaint log that you are required to maintain per 21 CFR 820.198. This log should be submitted annually on the anniversary of the device approval. This can be part of the regular Annual Report submitted per 21 CFR 814.84.

Be advised that failure to comply with any post-approval requirement, including constitutes grounds for FDA withdrawal of approval of the PMA in accordance with 21 CFR 814.126(a).

This is a reminder that as of September 24, 2014, class III devices are subject to certain provisions of the final Unique Device Identification (UDI) rule. These provisions include the requirement to provide a UDI on the device label and packages (21 CFR 801.20), format dates on the device label in accordance with 21 CFR 801.18, and submit data to the Global Unique Device Identification Database (GUDID) (21 CFR 830 Subpart E). Additionally, 21 CFR 814.84 (b)(4) requires PMA annual reports submitted after September 24, 2014, to identify each device identifier currently in use for the subject device, and the device identifiers for devices that have been discontinued since the previous periodic report. It is not necessary to identify any device identifier discontinued prior to December 23, 2013. Combination Products may also be subject to UDI requirements (see 21 CFR 801.30). For more information on these requirements, please see the UDI website, <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/unique-device-identification-udi-system>.

Before making any change affecting the safety or effectiveness of the PMA device, you must submit a PMA supplement or an alternate submission (30-day notice) in accordance with 21 CFR 814.39. All PMA supplements and alternate submissions (30-day notice) must comply with the applicable requirements in 21 CFR 814.39. For more information, please refer to the FDA guidance document entitled, "Modifications to Devices Subject to Premarket Approval (PMA) - The PMA Supplement Decision-Making Process" <https://www.fda.gov/media/81431/download>.

You are reminded that many FDA requirements govern the manufacture, distribution, and marketing of devices. For example, in accordance with the Medical Device Reporting (MDR) regulation, 21 CFR 803.50 and 21 CFR 803.52 for devices or postmarketing safety reporting (21 CFR 4, Subpart B) for combination products, you are required to report adverse events for this device. Manufacturers of medical devices, including in vitro diagnostic devices, are required to report to FDA no later than 30

calendar days after the day they receive or otherwise becomes aware of information, from any source, that reasonably suggests that one of their marketed devices:

1. May have caused or contributed to a death or serious injury; or
2. Has malfunctioned and such device or similar device marketed by the manufacturer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur.

Additional information on MDR, including how, when, and where to report, is available at <https://www.fda.gov/medical-devices/medical-device-safety/medical-device-reporting-mdr-how-report-medical-device-problems> and on combination product postmarketing safety reporting is available at (see <https://www.fda.gov/combination-products/guidance-regulatory-information/postmarketing-safety-reporting-combination-products>).

In accordance with the recall requirements specified in 21 CFR 806.10 for devices or the postmarketing safety reporting requirements (21 CFR 4, Subpart B) for combination products, you are required to submit a written report to FDA of any correction or removal of this device initiated by you to: (1) reduce a risk to health posed by the device; or (2) remedy a violation of the act caused by the device which may present a risk to health, with certain exceptions specified in 21 CFR 806.10(a)(2). Additional information on recalls is available at <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/industry-guidance-recalls>.

CBER does not evaluate information related to contract liability warranties. We remind you; however, that device labeling must be truthful and not misleading. CBER will notify the public of its decision to approve your PMA by making available, among other information, a summary of the safety and effectiveness data upon which the approval is based. The information can be found on the FDA CBER Internet HomePage located at <https://www.fda.gov/medical-devices/device-approvals-denials-and-clearances/pma-approvals>. Written requests for this information can also be made to the Food and Drug Administration, Dockets Management Branch, (HFA-305), 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. The written request should include the PMA number or docket number. Within 30 days from the date that this information is placed on the Internet, any interested person may seek review of this decision by submitting a petition for review under section 515(g) of the act and requesting either a hearing or review by an independent advisory committee. FDA may, for good cause, extend this 30-day filing period.

Failure to comply with any post-approval requirement constitutes a ground for withdrawal of approval of a PMA. The introduction or delivery for introduction into interstate commerce of a device that is not in compliance with its conditions of approval is a violation of law.

You are reminded that, as soon as possible and before commercial distribution of your device, you must submit an amendment to this PMA submission with a copy of all final labeling. Final labeling that is identical to the labeling approved in draft form will not routinely be reviewed by FDA staff when accompanied by a cover letter stating that the final labeling is identical to the labeling approved in draft form. If the final labeling is not identical, any changes from the final draft labeling should be highlighted and explained in the amendment.

All required documents should be submitted, **unless otherwise specified (please see note below)**, to the address below and should reference the above PMA number to facilitate processing.

Food and Drug Administration
Center for Biologics Evaluation and Research
Document Control Center
10903 New Hampshire Ave.
WO71-G112
Silver Spring, MD 20993-0002

Please Note:

CBER's Document Control Center (DCC) will not process any submission received by mail or courier including submissions provided on paper and electronic media (e.g., CDs, USB) until further notice. Device submissions, for CBER regulated devices, can still be submitted electronically using the Electronic Submissions Gateway (ESG) (under 10GB) or in some cases via email (under 150MB) in accordance with final industry guidance, eCOPY Program for Medical Devices Submissions found at <https://www.fda.gov/media/83522/download>. CBER strongly encourages sending submissions through the ESG, FDA's preferred secure method of transmission. Instructions for setting up an ESG account can be found at <https://www.fda.gov/industry/electronic-submissions-gateway>.

Submissions regarding this file may also be submitted electronically via email at CBERDCC_eMailSub@fda.hhs.gov. We will accept submissions through this email option only during the COVID-19 public health emergency. For additional information regarding CBER operations during this public health emergency, please see the CBER COVID -19 CBER Regulated Biologics page found at <https://www.fda.gov/vaccines-blood-biologics/industry-biologics/coronavirus-covid-19-cber-regulated-biologics>.

If you have any questions concerning the contents of the letter, please contact the Regulatory Project Manager, Dr. Vasantha Kumar at (240) 402-8413 or Vasantha.Kumar@fda.hhs.gov.

Sincerely,

Nicole Verdun, MD
Director
Office of Blood Research and Review
Center for Biologics Evaluation and Research