



NDA 021549/S-008

**NOTIFICATION OF  
NON-COMPLIANCE WITH PREA**

Merck Sharp & Dohme Corp.  
Attention: Nicholas Andrew  
Director, Worldwide Regulatory Affairs  
126 East Lincoln Avenue  
P.O. Box 2000, RY 33-200  
Rahway, NJ 07065-0900

Dear Mr. Andrew:

Please refer to your Supplemental New Drug Application (sNDA) submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (the Act) for EMEND (aprepitant) capsules, which was approved on October 28, 2005.

The Agency has determined that you have failed to meet the requirements of the Pediatric Research Equity Act (PREA) for this application because you have not yet submitted your pediatric assessment, which was deferred until October 31, 2013. 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 title V, section 505, of the Food and Drug Administration Safety and Innovation Act of 2012 (FDASIA), you must respond in writing within forty-five 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 FDASIA, FDA will post this letter and your response on the website located 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 sNDA with a cross-reference letter to the IND to which your protocol has been submitted. In addition, send a copy of the cover letter to CDER’s Pediatric and Maternal Health Staff.

If you have any questions, call Mary Chung, Regulatory Project Manager, at (301) 796-0260.

Sincerely,

*{See appended electronic signature page}*

Donna Griebel, M.D.  
Director  
Division of Gastroenterology and Inborn Errors  
Products  
Office of Drug Evaluation III  
Center for Drug Evaluation and Research

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**This is a representation of an electronic record that was signed electronically and this page is the manifestation of the electronic signature.**  
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/s/  
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DONNA J GRIEBEL  
11/06/2013