PRE-NOTICE OF NONCOMPLIANCE LETTER –
FAILURE TO SUBMIT RESULTS INFORMATION

VIA UNITED PARCEL SERVICE

NovImmune S.A.
c/o Advyzom LLC
Attention: Liz Lucini, Pharm.D.
Regulatory Consultant
335 Snyder Avenue
Berkeley Heights, New Jersey 07922

Re: Submission of Clinical Trial Results Information Pursuant to 42 U.S.C. 282(j)
FDA Reference Number: CDER-2020-106
NCT01818492

Dear Dr. Lucini:

Based on an initial review of the Food and Drug Administration (FDA) records; information from the ClinicalTrials.gov data bank operated by the National Library of Medicine, a part of the National Institutes of Health; and any available public information, it appears that NovImmune S.A. is the "responsible party"[1] for the clinical trial titled "A Phase 2/3, Open-label, Single Arm, Multicentre Study to Assess Safety, Tolerability, Pharmacokinetics and Efficacy of Intravenous Multiple Administrations of NI-0501, an Anti-interferon Gamma (Anti-IFNγ) Monoclonal Antibody, in Paediatric Patients with Primary Haemophagocytic Lymphohistiocytosis [(HLH)]." This trial appears to be an "applicable clinical trial"[2] subject to the requirements of section 801 of the Food and Drug Administration Amendments Act of 2007, including its implementing regulations in 42 CFR part 11. A responsible party for an applicable clinical trial is required to submit to the ClinicalTrials.gov data bank certain results information for such clinical trial, which generally must be submitted no later than one year

[1] *See* section 402(j)(1)(A)(ix) of the Public Health Service Act (PHS Act) (42 U.S.C. 282(j)(1)(A)(ix)) and 42 CFR 11.10 for the definition of "responsible party."
[2] *See* section 402(j)(1)(A)(i) and (iii) of the PHS Act (42 U.S.C. 282(j)(1)(A)(i) and (iii)) and 42 CFR 11.10 for definitions of "applicable clinical trial."

U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993
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after the primary completion date of the applicable clinical trial, unless the responsible party has submitted a certification of delay.[3]

FDA has identified potential noncompliance related to the above-identified clinical trial evaluating the safety, tolerability, pharmacokinetics, and efficacy of multiple intravenous administrations of NI-0501 in pediatric patients with primary HLH. As you know, in November 2018, FDA approved your company's NI-0501, brand name Gamifant® (emapalumab-lzsg), for adult and pediatric (newborn and older) patients with primary HLH with refractory, recurrent, or progressive disease or intolerance of conventional HLH therapy, based on this clinical trial. It appears that results information for the referenced applicable clinical trial has not been submitted to the ClinicalTrials.gov data bank. Your company should review the records of this clinical trial and determine whether your company submitted all required results information. If your company determines that results information is required and due for this clinical trial, please submit the results information promptly.

Failure to submit clinical trial information required under section 402(j) of the PHS Act (42 U.S.C. 282(j)), including information required under the regulations found in 42 CFR part 11, is a prohibited act under section 301(jj)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 331(jj)(2)). FDA intends to further review and assess the above-described clinical trial beginning 30 calendar days after you receive this letter. If FDA determines that your company is not in compliance with all applicable requirements of section 402(j) of the PHS Act (42 U.S.C. 282(j)) and 42 CFR part 11, your company may receive from FDA a Notice of Noncompliance,[4] and FDA may thereafter initiate an administrative action seeking a civil monetary penalty.[5] In addition to civil monetary penalties, violations of section 301(jj) of the FD&C Act (21 U.S.C. 331(jj)) could also result in other regulatory action, such as injunction and/or criminal prosecution.

As requested, please review your company's clinical trial records and submit any required results information to the ClinicalTrials.gov data bank. You can access the ClinicalTrials.gov

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[3] *See* section 402(j)(3)(E) of the PHS Act (42 U.S.C. 282(j)(3)(E)) and 42 CFR part 11, subpart C for results submission requirements.

[4] *See* section 402(j)(5)(C)(ii) of the PHS Act (42 U.S.C. 282(j)(5)(C)(ii)).

[5] Pursuant to section 303(f)(3)(A) of the FD&C Act (21 U.S.C. 333(f)(3)(A)), "[a]ny person who violates section 301(jj) [of the FD&C Act (21 U.S.C. 331(jj))] shall be subject to a civil monetary penalty of not more than $10,000 for all violations adjudicated in a single proceeding." Moreover, section 303(f)(3)(B) of the FD&C Act (21 U.S.C. 333(f)(3)(B)) provides that "[i]f a violation of section 301(jj) [of the FD&C Act (21 U.S.C. 331(jj))] is not corrected within the 30-day period following notification under section 402(j)(5)(C)(ii) [of the PHS Act (42 U.S.C. 282(j)(5)(C)(ii))], the person shall, in addition to any penalty under subparagraph (A), be subject to a civil monetary penalty of not more than $10,000 for each day of the violation after such period until the violation is corrected." The civil monetary penalty amounts listed in this letter reflect the amounts listed in the statute. These amounts are updated annually to reflect inflation, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. No. 101-410, 104 Stat. 890 (1990) (codified as amended at 28 U.S.C. 2461 note 2(a)), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of the Bipartisan Budget Act of 2015, Pub. L. No. 114-74, November 2, 2015). For the most up-to-date amounts, please see 45 CFR 102.3.

website at https://register.clinicaltrials.gov. If you have any questions about this letter, you may call Mark S. Miller, Pharm.D., at (301) 796-2798. Please have the FDA Reference Number provided at the top of this letter available when you call. Alternatively, you may e-mail him at CDER-OSI-Advisory@fda.hhs.gov. Please include the FDA Reference Number with any e-mail communications.

We request that you submit a written response to FDA within 30 calendar days after you receive this letter, stating the actions that you have taken in response to this letter. If you believe that your company has complied with applicable requirements, please provide us with your reasoning and include any supporting information for our consideration. Please direct your response to the address below and include the FDA Reference Number on all correspondence relating to this matter.

Mark S. Miller, Pharm.D., BCPS, RAC
CAPT, USPHS
Branch Chief
Compliance Enforcement Branch
Division of Enforcement and Postmarketing Safety
Office of Scientific Investigations
Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration
Building 51, Room 5352
10903 New Hampshire Avenue
Silver Spring, MD 20993

Sincerely yours,

{See appended electronic signature page}

David C. Burrow, Pharm.D., J.D.
Director
Office of Scientific Investigations
Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration

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/

DAVID C BURROW
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