



VIA UNITED PARCEL SERVICE AND E-MAIL

Supernus Pharmaceuticals, Inc.  
Attention: Jonathan Rubin, M.D., Senior Vice President and Chief Medical Officer  
9715 Key West Avenue  
Rockville, Maryland 20850

Re: Submission of Clinical Trial Results Information Pursuant to 42 U.S.C. 282(j)  
**FDA Reference Number: CDER-2023-127**  
NCT02618434, NCT02691182, NCT03597503, and NCT03638466

Dear Dr. Rubin:

Based on an initial review of 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 Supernus Pharmaceuticals, Inc. is the “responsible party”<sup>1</sup> for the above-identified clinical trials, which appear to be “applicable clinical trials”<sup>2</sup> 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 the clinical trial; such results information generally must be submitted no later than one year after the primary completion date<sup>3</sup> of the applicable clinical trial, unless the responsible party has submitted a timely certification of delay, a request for an extension for good cause, or a request for a waiver of the requirements for submission of results information.<sup>4</sup>

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<sup>1</sup> See sections 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.”

<sup>2</sup> See sections 402(j)(1)(A)(i)-(iii) of the PHS Act (42 U.S.C. 282(j)(1)(A)(i)-(iii)) and 42 CFR 11.10 for the definition of “applicable clinical trial.”

<sup>3</sup> See 42 CFR 11.10 for the definition of “primary completion date.” See also section 402(j)(1)(A)(v) of the PHS Act (42 U.S.C. 282(j)(1)(A)(v)), which defines “completion date.” As reflected in 42 CFR 11.10, the terms “primary completion date” and “completion date” are synonymous for the purposes of 42 CFR part 11.

<sup>4</sup> See sections 402(j)(3)(E) and (H) of the PHS Act (42 U.S.C. 282(j)(3)(E) and (H)) and 42 CFR part 11, subpart C for results information submission requirements.

Pursuant to 42 CFR 11.44(c), a responsible party may submit a certification for delayed submission of results information for an applicable clinical trial that studies an FDA-regulated drug product that was not approved by FDA for any use before the primary completion date and for which the sponsor intends to continue with product development and is either seeking, or may at a future date seek, FDA approval of the drug product. However, to be timely, any such certification for delayed submission of results information must be submitted before the standard submission deadline. If a timely certification for delayed submission of results information is submitted under 42 CFR 11.44(c)(1), the deadline for submitting results information is 30 calendar days after the earlier of (1) the date on which FDA approves the drug product for any use that is studied in the applicable clinical trial, or (2) the date on which the marketing application or premarket notification is withdrawn without resubmission for not less than 210 calendar days. With such certification for delayed submission of results information, the responsible party must submit results information not later than two years after the date on which the certification was submitted, except to the extent that 42 CFR 11.44(d) applies.

FDA has identified potential noncompliance related to the above-identified clinical trials, titled as follows:

- “Treatment of Impulsive Aggression in Subjects With ADHD in Conjunction With Standard ADHD Treatment (CHIME 2),” evaluating the efficacy, safety, and tolerability of SPN-810 in the treatment of impulsive aggression in patients aged 6-12 years with ADHD in conjunction with standard ADHD treatment.
- “Treatment of Impulsive Aggression in Subjects With ADHD in Conjunction With Standard ADHD Treatment (CHIME 4),” evaluating the safety of SPN-810 in the treatment of impulsive aggression in patients aged 6-17 years with ADHD in conjunction with standard ADHD treatment.
- “Assessment of Efficacy and Safety of SPN-810 for the Treatment of Impulsive Aggression (IA) in Adolescent Subjects With Attention Deficit/Hyperactivity Disorder (ADHD) in Conjunction With Standard ADHD Treatment,” evaluating the safety and efficacy of SPN-810 for reducing impulsive aggression in adolescents (12-17 years of age) with ADHD as an adjunctive treatment to an approved ADHD medication.
- “Exploratory Neuroimaging Study to Evaluate the Effect on Brain Activity of SPN-810 for Impulsive Aggression (IA) in Patients With Attention-Deficit/Hyperactivity Disorder (ADHD) in Conjunction With Standard ADHD Treatment,” evaluating the functional effect of SPN-810 treatment on impulsive aggression in subjects aged 8-12 years with ADHD in conjunction with approved ADHD medication.

It appears that results information for the referenced applicable clinical trials has not been submitted to the ClinicalTrials.gov data bank.<sup>5</sup> Your company should review its records of these clinical trials and determine whether your company submitted all required results information. If your company determines that results information is required and due for these clinical trials, please submit the results information promptly.

Failure to submit clinical trial information<sup>6</sup> 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)). Beginning 30 calendar days after you receive this letter, FDA intends to further review and assess the above-identified clinical trials. If FDA determines that your company has failed to submit any clinical trial information required under section 402(j) of the PHS Act (42 U.S.C. 282(j)), including its implementing regulations in 42 CFR part 11, your company may receive from FDA a Notice of Noncompliance,<sup>7</sup> and FDA may thereafter initiate an administrative action seeking a civil money penalty.<sup>8</sup> In addition to civil money penalties, violations of section 301(jj) of the FD&C Act (21 U.S.C. 331(jj)) could result in other regulatory action, such as injunction and/or criminal prosecution, without further notice.

As requested, please review your company's clinical trial records and submit any required results information to the ClinicalTrials.gov data bank. We also request that you review all applicable clinical trials for which your company is the responsible party to ensure compliance with all ClinicalTrials.gov registration and results information submission requirements. You can access the ClinicalTrials.gov website at <https://register.clinicaltrials.gov>.

If you have any questions about this letter, you may call Miah Jung, Pharm.D., M.S., at (240) 402-3728. Please have the FDA reference number provided at the top of this letter available

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<sup>5</sup> We acknowledge that, as recently as June 5, 2023, your company entered results information for NCT02618434 into NLM's Protocol Registration and Results System (PRS); however, your company did not complete the process for submitting results information, and the preliminary steps taken by your company do not constitute submission of results information under 42 CFR 11.44(a).

<sup>6</sup> See section 402(j)(1)(A)(iv) of the PHS Act (42 U.S.C. 282(j)(1)(A)(iv)) and 42 CFR 11.10 for the definition of "clinical trial information."

<sup>7</sup> See section 402(j)(5)(C)(ii) of the PHS Act (42 U.S.C. 282(j)(5)(C)(ii)).

<sup>8</sup> 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." These civil money penalty amounts reflect the amounts found 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.

when you call. Alternatively, you may e-mail FDA at [CDER-OSI-Advisory@fda.hhs.gov](mailto: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 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 in all correspondence relating to this matter.

Miah Jung, Pharm.D., M.S.  
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}*

Laurie Muldowney, M.D.  
Deputy Director  
Office of Scientific Investigations  
Office of Compliance  
Center for Drug Evaluation and Research  
U.S. Food and Drug Administration

Cc: Tami Martin, RN, Esq, Vice President, Regulatory Affairs, Supernus Pharmaceuticals, Inc.

Gianpiera Ceresoli-Borroni, Supernus Pharmaceuticals, Inc.

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**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.**  
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/s/  
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LAURIE B MULDOWNEY  
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