



NDA 209296

**NOTIFICATION OF
NON-COMPLIANCE WITH PREA**

Heron Therapeutics, Inc.
Attention: Benjamin M. Burgin, RAC
Executive Director, Regulatory Affairs
4242 Campus Point Court, Suite 200
San Diego, CA 92121

Dear Benjamin M. Burgin:

Please refer to your new drug application (NDA) submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (the Act) for Cinvanti (aprepitant) injectable emulsion, which was approved on November 9, 2017.

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 3289-2, which was deferred until August 31, 2024. 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 <https://www.fda.gov/drugs/development-resources/non-compliance-letters-under-505bd1-federal-food-drug-and-cosmetic-act> 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, please contact Mary Chung, Senior Regulatory Health Project Manager, at mary.chung@fda.hhs.gov or (301) 796-0260.

Sincerely,

{See appended electronic signature page}

Erica Lyons, M.D.
Associate Director for Therapeutic Review
Division of Gastroenterology
Office of Immunology and Inflammation
Office of New Drugs
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/

ERICA M LYONS
10/02/2024 04:00:41 PM