NOTICE OF NONCOMPLIANCE ISSUED PURSUANT TO 42 U.S.C. 282(j)(5)(C)(ii)

VIA UNITED PARCEL SERVICE AND EMAIL

August 4, 2025

Gina M. Mantia-Smaldone, M.D.
Fox Chase Cancer Center
333 Cottman Avenue
Philadelphia, Pennsylvania 19111
gina.mantia-smaldone@fccc.edu

Re: Noncompliance with the Requirements for Submission of Clinical Trial Results Information for "A Phase 2 Study of Single Agent ONC201 in Recurrent or Metastatic Endometrial Cancer"

FDA Reference Number: CDER-2025-112
NCT03099499

Dear Dr. Mantia-Smaldone:

The U.S. Food and Drug Administration (FDA) sent you a letter dated December 2, 2024, alerting you to potential noncompliance with the requirement to submit clinical trial results information to the ClinicalTrials.gov data bank, operated by the National Library of Medicine (NLM) (a part of the National Institutes of Health), for the above-referenced clinical trial. You are the "responsible party"[1] for the above-referenced clinical trial, which is an "applicable clinical trial"[2] subject to the requirements in section 801 of

[1] *See* sections 4O2G)(1)(A)(ix) of the Public Health Service Act (PHS Act) (42 U.S.C. 2820)(1)(A)(ix)) and 42 CFR 11.10 for the definition of "responsible party." We recognize that Fox Chase Cancer Center is listed as the responsible party for this applicable clinical trial in the ClinicalTrials.gov data bank. We have concluded that you are the sponsor within the meaning of 42 CFR 11.10. Further, given the definition of "responsible party" in the statute and applicable regulations, we have concluded that you are the responsible party for this applicable clinical trial. Moreover, we note that the letter signed by you and transmitted to FDA on February 7, 2025, by Ryan Romasko, following your receipt of FDA's letter to you dated December 2, 2024, does not contest that you are the responsible party for the applicable clinical trial.

[2] *See* sections 4O2G)(1)(A)(i)-(iii) of the PHS Act (42 U.S.C. 2820)(1)(A)(i)-(iii)) and 42 CFR 11.10 for the definition of "applicable clinical trial."

the Food and Drug Administration Amendments Act of 2007 (FDAAA), 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[3] 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.[4]

In our December 2, 2024, letter, we asked you to review your records for this clinical trial and submit all required results information promptly. We also stated that we intended to further review and assess this clinical trial beginning 30 calendar days after you received our December 2, 2024, letter, and that we might take regulatory action if we determined that you were not in compliance at that time.

Despite multiple email correspondence between you and the FDA after you received the December 2, 2024, letter, you have not submitted results information.

FDA has determined that you failed to submit results information for the applicable clinical trial referenced above, as required under section 402U) of the Public Health Service Act (PHS Act) (42 U.S.C. 282U)) and 42 CFR 11.48. Pursuant to section 402U)(5)(C)(ii) of the PHS Act (42 U.S.C. 282U)(5)(C)(ii)), the FDA is notifying you that you are not in compliance with FDAAA's results information submission requirements, which include the requirements in 42 CFR part 11, and we are providing you with the opportunity to remedy your noncompliance by submitting the required clinical trial results information within 30 calendar days after you receive this Notice of Noncompliance (Notice).

Because the failure to submit clinical trial information required under section 402U) of the PHS Act (42 U.S.C. 282U)), including its implementing regulations in 42 CFR part 11, is a prohibited act under section 301UD(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 331Uj)(2)), the FDA may initiate an administrative action seeking a civil money penalty against you. 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 301UD [of the

[3] *See* 42 CFR 11.10 for the definition of "primary completion date." See also section 4020)(1)(A)(v) of the PHS Act (42 U.S.C. 2820)(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.

[4] *See* sections 4020)(3)(E) and (H) of the PHS Act (42 U.S.C. 2820)(3)(E) and (H)) and 42 CFR part 11, subpart C for results submission requirements.

FD&C Act (21 U.S.C. 331 (jj))] shall be subject to a civil money penalty of not more than $10,000 for all violations adjudicated in a single proceeding."[5]

If you do not submit the required clinical trial results information in the manner and format specified at http://prsinfo.clinicaltrials.gov or at https://clinicaltrials.gov/ct2/manage-recs/how-report within 30 calendar days after receiving this Notice, FDA may also seek additional civil money penalties against you. Specifically, 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 receipt of a [notice issued] 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 money penalty of not more than $10,000 for each day of the violation after such period until the violation is corrected."

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.

If you have any questions about this Notice, you may call Laurie Muldowney, M.D., at (301) 796-1571. Please have the FDA reference number provided at the top of this Notice available when you call. Alternatively, you may email Dr. Muldowney at CDER-OSI-Advisory@fda.hhs.gov. Please include the FDA reference number with any email communications.

We ask you to submit a written response to the FDA within 30 calendar days after you receive this Notice, stating the actions you have taken in response to this Notice.

[5] The civil money penalty amounts in this Notice 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.

Please direct your response to the address below and include the FDA reference number in all correspondence relating to this matter.

Laurie Muldowney, M.D.
Deputy Director
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Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration
Building 51, Room 5342
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Sincerely yours,

Elizabeth P. Miller -5

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Date: 2025.08.04 14:50:56 -04'00'

Elizabeth Miller, Pharm.D.
Acting Associate Commissioner for Inspections and Investigations
Office of Inspections and Investigations
U.S. Food and Drug Administration

Cc: (b) (6)