

**LACHMAN CONSULTANT SERVICES, INC.**  
CONSULTANTS TO THE PHARMACEUTICAL AND ALLIED INDUSTRIES

1600 STEWART AVENUE, WESTBURY, NY 11590  
(516) 222-6222 • FAX (516) 683-1887

September 13, 2004

**OVERNIGHT COURIER 9/13/04**

Division of Dockets Management  
Food and Drug Administration (HFA-305)  
Department of Health and Human Services  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

**CITIZEN PETITION**

Dear Sir or Madam

This petition is submitted in quadruplicate under Section 505(j)(2)(C) of the Federal Food, Drug and Cosmetic Act, and in accordance with 21 CFR 10.30 on behalf of a client requesting the Commissioner of the Food and Drug Administration to declare that the drug products Atorvastatin Calcium Capsules, 10 mg, 20 mg, 40 mg and 80 mg, are suitable for submission in an abbreviated new drug application (ANDA).

**A. Action Requested**

The petitioner requests that Commissioner of the Food and Drug Administration make a determination that Atorvastatin Calcium Capsules, 10 mg, 20 mg, 40 mg and 80 mg are suitable for submission in an ANDA. The reference-listed drug product upon which this petition is based is Lipitor® (atorvastatin calcium) Tablets, 80 mg, manufactured by Pfizer Inc, which appears in the Electronic Orange Book, page 3-40 (see **Attachment 1**). Therefore, the petitioner seeks a change in the dosage form (from tablets to capsules) from that of the listed drug product.

**B. Statement of Grounds**

The Federal Food, Drug and Cosmetic Act provides for the submission of an ANDA for a new drug that differs in dosage form from a listed drug provided the FDA has approved a petition that proposed the filing of such an application. Lipitor® (atorvastatin calcium) Tablets, the reference-listed drug upon which this petition is based, are available in tablet dosage form (80 mg tablet) and are also approved and available in additional strengths containing 10 mg, 20 mg and 40 mg of atorvastatin calcium. The proposed drug products represent the same uses, strengths and route of administration; differing only in dosage form from the reference listed drug.

In support of the change in dosage form requested in this petition, the petitioner would like to point out that the Agency has previously approved ANDA suitability petitions allowing for a change in dosage form (from tablet to capsule) in many instances. In addition, the proposed drug product will be shown to be bioequivalent to the RLD.

2004P.0418

CP1

There are no proposed changes in labeling with exception of the obvious change in dosage form sought in this petition. However, it is recognized that it may be necessary for the labeling of the proposed product to differ due to exclusivity or patent protection related to the reference-listed drug. Draft labeling for the proposed product is included in **Attachment 2**. A copy of the referenced-listed drug product's labeling is included in **Attachment 3**. The petitioner is seeking this change in dosage form in an effort to make an alternate dosage form (capsule) available for those individuals that either have difficulty in swallowing a tablet or who prefer a capsule dosage form.

### Pediatric Use Information

In December of 2003, Congress passed the Pediatric Research Equity Act (PREA) that amended the Federal Food, Drug and Cosmetic Act (The Act) to provide the Agency authority to require drug firms to study certain drugs in pediatric patients, if the Agency felt that such a study would provide beneficial health data for that patient population.

Section 505B(a)(4)(A)(iii) of The Act (as amended by PREA) provides a provision for a waiver from providing assessments of pediatric use of a drug if:

- (iii) the drug or biological product;
- (I) does not present a meaningful therapeutic benefit over existing therapies for pediatric patients; and
- (II) is not likely to be used in a substantial number of pediatric patients.

The petitioner hereby requests that a waiver from the conduct of pediatric studies of Atorvastatin Calcium Capsules for all age groups be granted for this petition.

Atorvastatin Calcium was on the historical list of Approved Drug Products for Which Additional Pediatric Information May Produce Health Benefits in the Pediatric Population. The Agency identified heterozygous familial hypercholesterolemia on that list as the indication for which it sought information and issued a written request to the innovator outlining the need for the conduct of such studies. The innovator has studied heterozygous familial hypercholesterolemia in pediatric patients in accord with the written request and in fact received pediatric exclusivity for those studies on February 22, 2002. In addition, the innovator received approval of and had its labeling revised to include the new indication on October 18, 2002. The new indication is the subject of 3-year Hatch-Waxman exclusivity that was also extended by 6 months (expires April 18, 2006) as a result of the pediatric exclusivity associated with the conduct of the studies in support of the new indication. The new indication in the labeling of the reference-listed drug states:

Safety and Effectiveness in patients 10-17 years of age (mean age 14.1 years) with heterozygous familial hypercholesterolemia have been evaluated in a controlled clinical trial of 6 months duration in adolescent boys and postmenarchal girls. Lipitor® significantly decreased plasma levels of total-C, LDL-C, triglycerides, and apolipoprotein B. Patients treated with Lipitor® had an adverse experience profile generally similar to that of patients treated with placebo, the most common adverse experiences observed in both groups, regardless of causality assessment, were infections. **Doses greater than**

**20 mg have not been studied in this patient population. The long-term efficacy of Lipitor® therapy in childhood to reduce morbidity and mortality in adulthood has not been established... Lipitor® has not been studied in controlled clinical trials involving pre-pubertal patients or patients younger than 10 years of age.**

The proposed product will contain the same pediatric indications in accordance with that of the reference-listed drug at the time of expiration of the Hatch-Waxman exclusivity. Because the innovator has satisfied the requirements for the conduct of pediatric studies as requested by the Agency in regard to its written request and has also received pediatric exclusivity and approval for the new indication, there should be no reason to repeat those studies to support the change in dosage form of the proposed product that is the subject of this petition. Any ultimate approval of a product based on this petition would not:

- A) Represent a meaningful therapeutic benefit over existing therapies for pediatric patients in the age group not covered in existing labeling.
- B) Due to the fact that this product simply represents a different solid oral dosage form (capsule vs. tablet) and not a dosage form that would promote the use of this product in pediatric patients other than those already studied, it is not likely to be used in a substantial number of patients outside of the age group for whom exclusivity as discussed above was awarded. The proposed capsule dosage form merely represents a convenience for patients unable to swallow tablets or who prefer capsules. The usage in the pediatric population would not be expected to change at all.

Therefore, since the innovator drug product has been appropriately studied in accordance with the concepts embodied in the PREA, the petitioner respectfully requests a waiver for the need to conduct pediatric studies.

#### **C. Environmental Impact**

The environmental assessment report on the action requested in this petition is not required under 21 CFR §25.31.

#### **D. Economic Impact**

Pursuant to 21 CFR 10.30 (b), economic impact information is to be submitted only when requested by the Commissioner. Information will be submitted, if requested.

#### **E. Certification**

The undersigned certifies that to the best of its knowledge, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner, which are unfavorable to the petition.

Respectfully Submitted,

Handwritten signature of Robert W. Pollock in black ink, with the initials 'pk' written at the end.

Robert W. Pollock, Vice President  
Lachman Consultant Services, Inc.  
1600 Stewart Avenue  
Westbury, NY 11590

RWP/pk

Attachments:

- Attachment 1: Electronic Orange Book, page 3-40
- Attachment 2: Draft labeling for the proposed product
- Attachment 3: Referenced-listed drug product's labeling

cc: Emily Thakur (Office of Generic Drugs)

R03P4257