



Waiver to Allow Participation in a Food and Drug Administration Advisory Committee

DATE: April 9, 2009

TO: Randall W. Lutter, Ph.D.
Deputy Commissioner for Policy
Food and Drug Administration

THROUGH: Vince Tolino _____/S/_____
Director, Ethics and Integrity Staff
Office of Management Programs
Office of Management

Michael F. Ortwerth, Ph.D. _____/S/_____
Director, Advisory Committee Oversight and Management Staff
Office of Policy, Planning, and Preparedness

FROM: Jayne E. Peterson _____/S/_____
Acting Director
Division of Advisory Committee and Consultant Management
Center for Drug Evaluation and Research

Name of Temporary Voting Member: Julie Vose, M.D.

Committee: Oncologic Drugs Advisory Committee Meeting

Meeting date: May 29, 2009

Description of the Facts on Which the Waiver is Based:

Type, Nature, and Magnitude of the Financial Interest(s):

Dr. Vose's employer, University of Nebraska Medical Center, was awarded a research contract by GlaxoSmithKline to conduct an open label, single arm, multi-center phase II trial with Arzerra (ofatumumab) in patients with relapsed diffuse large B-cell lymphoma (DLBCL) ineligible for transplant or relapsed autologous transplant. Dr. Vose is the Principal Investigator at the University for the study. She does not receive any personal remuneration from the funds received. Arzerra (ofatumumab) is the product coming before the committee.

The magnitude of the interest is between \$0 to \$50,000.

Description of the Particular Matter to Which the Waiver Applies:

March 29, 2009, Oncologic Drugs Advisory Committee meeting to discuss Biologics license application (BLA) 125326, proposed trade name Arzerra (ofatumumab), sponsored by GlaxoSmithKline, for the proposed indication of treatment of patients with chronic lymphocytic leukemia who have received prior therapy.

Additional Facts: none

Basis for Granting the Waiver:

First, Dr. Vose is the Principal Investigator at her institution for a study involving ofatumumab in patients with relapsed diffuse large B-cell lymphoma, a different indication from that being sought for Arzerra (ofatumumab) for this meeting, chronic lymphocytic leukemia (CLL). Diffuse large B-cell lymphoma is a type of Non-Hodgkin's lymphoma (NHL). NHL is cancer of the lymphoid tissue, which includes the lymph nodes, spleen, and other organs of the immune system. Chronic lymphocytic leukemia (CLL) is specifically a cancer of the white blood cells.

Second, it is speculative to assume that the committee's recommendations and subsequent FDA action with respect to GlaxoSmithKline's application will directly and predictably affect this study for an unrelated indication. It is unlikely that any action, short of a "clinical hold" determination, would cause this study to be suspended or terminated. GlaxoSmithKline is one of the pharmaceutical industry leaders, with an estimated seven per cent of the world's pharmaceutical market. GlaxoSmithKline produces medicines that treat six major disease areas – asthma, virus control, infections, mental health, diabetes, digestive conditions, in addition to vaccines and treatment for cancer. Total product sales of GlaxoSmithKline in 2008 were £24.4 billion (approximately \$31 billion). It is unlikely that the committee's recommendations concerning GlaxoSmithKline's Arzerra (ofatumumab) will significantly impact the economic stability of this company.

According to the Office of Oncologic Drug Products, the committee will not focus on the safety issues of Arzerra (ofatumumab) or the competing products. The primary issue will be continued use of single arm studies for CLL and whether the benefits (objective response rate and durability) support accelerated approval. Therefore, it is unlikely that any decision with respect to GlaxoSmithKline's biologics license application for Arzerra for the treatment of CLL will have an effect on the other ongoing studies of ofatumumab for different indications.

Further, according to the review division, Dr. Vose's participation is essential to this meeting because of her unique expertise.

Dr. Julie Vose serves as the Neumann M. and Mildred E. Harris Professor and Chief of the Section of Hematology/Oncology in the Department of Medicine at the University of Nebraska Medical Center. She is the Co-Director of the Nebraska Lymphoma Study Group and is a current member of the International Society of Experimental Hematology. Dr. Vose has published over 250 journal articles in such journals as Blood and Experimental

Hematology. She has published extensively on clinical trials and drug therapy for treatment of acute myeloid leukemia and chronic lymphocytic leukemia. Dr. Vose has published extensively on the treatment of hematologic cancers and is a recognized expert in this field. For this reason, Dr. Vose has been a Special Government Employee (SGE) consultant to the Food and Drug Administration on multiple occasions, serving as an expert to both the Biologic Response Modifiers Advisory Committee and the Oncologic Drugs Advisory Committee on new drug and biologics applications for treatment of leukemia and lymphomas over the past 15 years. She is also the Program Co-Leader at the University of Nebraska Medical Center for the National Institutes of Health funded core grant for Hematologic Oncology and thus has direct oversight for the patient research and laboratory research in this area.

Dr. Vose's expertise is in Hematologic Oncology. An individual with this expertise would have knowledge of the treatment of cancers of the bone marrow (leukemias) and lymphatic system (lymphomas). Chronic lymphocytic leukemia is a cancer that has both features of leukemia and lymphoma which occurs primarily in older adults; it is treated primarily with drug therapy and with bone marrow transplantation due to the average age (>60 years) of patients with this disease.

Locating qualified individuals without disqualifying financial interest to serve on this advisory committee has been difficult. It is imperative that the committee have a sufficient number of members with an expertise in hematologic oncology in order to have a meaningful discussion. In total, ten individuals with this general expertise were contacted regarding their availability to participate in meeting. However, four of these ten individuals are unable to attend due to conflict of interest or scheduling conflicts. Of the remaining six able to attend, Dr. Vose, for whom this waiver is written, is the only SGE whose primary expertise and clinical practice is focused on the treatment of adult patients with leukemia and lymphoma. This level of expertise in the treatment of chronic lymphocytic leukemia is not shared by any other SGE's on the committee. One SGE who is able to attend has expertise in treatment of leukemia and lymphoma; however her expertise is related to a specific form of treatment (bone marrow transplantation) and not to general drug therapy for these hematologic malignancies. Another individual has expertise in the care of children with cancer and CLL is a form of leukemia that does not occur in children. Three other members have general expertise in treatment of cancers, including leukemia and lymphomas but are not subject matter experts in this area of hematologic oncology. Due to her expertise and previous participation on the above mentioned advisory committees, the division feels strongly that Dr. Vose has the background and expertise to lead an appropriate and stimulating discussion during the meeting.

As described above, we believe that the interest of the Government in Dr. Vose's participation outweighs the concern that a reasonable person may question the integrity of the Agency's programs and operations.

Thus we are requesting a waiver for Julie Vose, M.D., a temporary voting member of the Oncologic Drugs Advisory Committee, from the conflict of interest prohibitions of 18 U.S.C. §208(a) .

Certification:

The individual may participate – The need for the Special Government Employee’s services outweighs the potential for a conflict of interest.

The individual may participate – The individual’s participation is necessary to afford the advisory committee essential expertise.

Limitations on the Regular Government Employee’s or Special Government Employee’s Ability to Act:

Non-voting

Other (specify):

Denied – The individual may not participate.

_____/S/_____
Randall W. Lutter, Ph.D.
Deputy Commissioner for Policy

____5/12/2009____
Date