



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration  
Rockville MD 20857

SEP 25 2002

Lavender Consulting Services, Inc.  
Attention: Albert Lavender  
11611 Gainsborough Road  
Potomac, MD 20854

SEP 25 2002

Docket No.02P-0148/CPI

Dear Mr. Lavender:

This is in response to your petition filed on April 11, 2002, requesting permission to file an Abbreviated New Drug Application (ANDA) for the following drug product: Fenofibrate Tablets, 107 mg. The listed drug products to which you refer in your petition are Tricor® (Fenofibrate) Tablets, 54 mg and 160 mg, approved under NDA 21-203 held by Abbott.

You are requesting a change in strength that is an intermediate strength between those approved for the listed drug products (i.e., an intermediate strength of 107 mg). The change you request is the type of change that is authorized under the Federal Food, Drug, and Cosmetic Act (Act).

We have reviewed your petition under Section 505(j)(2)(C) of the Act and have determined that it is approved. This letter represents the Food and Drug Administration's (FDA) determination that an ANDA may be submitted for the above-referenced drug product.

Under Section 505(j)(2)(C)(i) of the Act, the FDA must approve a petition seeking a strength that differs from the strength of the listed drug product unless it finds that investigations must be conducted to show the safety and effectiveness of the differing strength.

The FDA finds that the change in strength for the specific proposed drug product does not pose questions of safety or effectiveness because it is an intermediate strength and the uses, dose, and route of administration of the proposed drug product are the same as those of the listed drug products. The FDA concludes, therefore, that investigations are not necessary in this instance. In addition, if shown to meet bioavailability requirements, the proposed drug product can be expected to have the same therapeutic effect as the listed reference drug products.

The approval of this petition to allow an ANDA to be submitted for the above-referenced drug product does not mean that the FDA has determined that an ANDA will be approved for the drug product. The determination of whether an ANDA will be approved is not made until the ANDA itself is submitted and reviewed by the FDA.

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Lavender Consulting Services Inc.

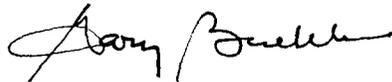
For your information, the listed drug products to which you refer are covered by periods of patent protection and exclusivity which appear in the Approved Drug Products With Therapeutic Equivalence Evaluations, 22nd Edition, published by the FDA. The existence of such patents and exclusivity will require patent certifications and a statement with respect to the exclusivity upon submission of an ANDA for your proposed drug product and may also affect the approval date of any ANDA.

To permit review of your ANDA submission, you must submit all information required under Sections 505(j)(2)(A) and (B) of the Act. To be approved, the drug product will, among other things, be required to meet current bioavailability requirements under Section 505(j)(2)(A)(iv) of the Act. We suggest that you submit your protocol for this drug product to the Office of Generic Drugs, Division of Bioequivalence prior to the submission of your ANDA. During the review of your application, the FDA may require the submission of additional information.

The listed drug products to which you refer in your ANDA must be the ones upon which you based this petition. In addition, you should refer in your ANDA to the appropriate petition docket number cited above, and include a copy of this letter in the ANDA submission.

A copy of this letter approving your petition will be placed on public display in the Dockets Management Branch, Room 1061, Mail Stop HFA-305, 5630 Fishers Lane, Rockville, MD 20852.

Sincerely yours,



Gary J. Buehler  
Director  
Office of Generic Drugs  
Center for Drug Evaluation and Research