DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

ANDA 77-858

Mylan Pharmaceuticals Inc.
U.S. Agent for: Alphapharm Pty Ltd.
Attention: Ronald T. Groman, Director
Regulatory Affairs
781 Chestnut Ridge Road
P.O. Box 4310
Morgantown, WV 26504-4310

Dear Sir:

This is in reference to your abbreviated new drug application (ANDA) dated August 26, 2005, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the Act), for Tramadol Hydrochloride and Acetaminophen Tablets, 37.5 mg/325 mg.

Reference is also made to the tentative approval letter issued by this office on January 31, 2007, and to your amendments dated May 23, July 14, and October 31, 2006; and May 2, July 8, and August 4, 2008.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug is safe and effective for use as recommended in the submitted labeling. Accordingly the ANDA is approved, effective on the date of this letter. The Division of Bioequivalence has determined your Tramadol Hydrochloride and Acetaminophen Tablets, 37.5 mg/325 mg, to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug, Ultracet Tablets, 37.5 mg/325 mg, of Ortho-McNeil Pharmaceutical, Inc. Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The reference listed drug (RLD) upon which you have based your ANDA, Ultracet Tablets, 325 mg/37.5 mg of Ortho-McNeil Pharmaceutical, Inc. (Ortho-McNeil), is subject to a period of patent protection.

As noted in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations (the "Orange Book"), U.S. Patent No. RE39221 (the '221 patent), is scheduled to expire on August 9, 2011.

Following receipt of the tentative approval, you provided a paragraph IV certification to the '221 patent under section 505(j)(2)(A)(vii)(IV) of the Act stating that this reissued patent is invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Tramadol Hydrochloride and Acetaminophen Tablets, 37.5 mg/325 mg, under this ANDA. Section 505(j)(5)(B)(iii) of the act provides that approval of an ANDA shall be made effective immediately, unless an action was brought against Alphapharm Pty Ltd. (Alphapharm) for infringement of the listed '221 patent. This action must have been brought against Alphapharm prior to the expiration of 45 days from the date the notice you provided under section 505 (j)(2)(B)(i) was received by the NDA/patent holder(s). You have notified the agency that Alphapharm complied with the requirements of section 505(j)(2)(B) of the Act, and that litigation was initiated against Alphapharm for infringement of the '221 patent in the United States District Court for the Northern District of Illinois, Eastern Division [Ortho-McNeil Pharmaceutical, Inc. v. Mylan Pharmaceuticals, Inc., et al., Civil Action No. 08 C 1343]. You have also notified the agency that the court entered a judgment reflecting the decision to dismiss this litigation. This judgment serves to lift the statutory 30-month stay and renders this ANDA eligible for approval.

Under section 506A of the Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change may be made.

We note that if FDA requires a Risk Evaluation & Mitigation Strategy (REMS) for a listed drug, an ANDA citing that listed drug also will be required to have a REMS, See 505-1(i).

Postmarketing reporting requirements for this ANDA application are set forth in 21 CFR 314.80-81 and 314.98. The Office of Generic Drugs should be advised of any change in the marketing status of this drug.

Promotional materials may be submitted to FDA for comment prior to publication or dissemination. Please note that these submissions are voluntary. If you desire comments on proposed launch promotional materials with respect to compliance with applicable regulatory requirements, we recommend you submit, in draft or mock-up form, two copies of both the promotional materials and package insert directly to:

Food and Drug Administration
Center for Drug Evaluation and Research
Division of Drug Marketing, Advertising, and Communications
5901-B Ammendale Road
Beltsville, MD 20705

We call your attention to 21 CFR 314.81(b)(3) which requires that all promotional materials be submitted to the Division of Drug Marketing, Advertising, and Communications with a completed Form FDA 2253 at the time of their initial use.

Within 14 days of the date of this letter, submit updated content of labeling [21 CFR 314.50(1)] in structured product labeling (SPL) format, as described at http://www.fda.gov/oc/datacouncil/spl.html, that is identical in content to the approved labeling. Upon receipt and verification, we will transmit that version to the National Library of Medicine for public dissemination. For administrative purposes, please designate this submission as ***"Miscellaneous Correspondence - SPL for Approved ANDA 77-858".***

Sincerely yours,

{See appended electronic signature page}

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