LAW OFFICES
HYMAN, PHELPS & MCNAMARA, P.C.
700 THIRTEENTH STREET, N.W.
SUITE 1200
WASHINGTON, D.C. 20005-5929
(202) 737-5600
FACSIMILE
(202) 737-9329
www.hpm.com

KURT R. KARST
Direct Dial (202) 737-7544
KKarst@hpm.com

June 17, 2024

SUBMITTED VIA REGULATIONS.GOV

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

SUITABILITY PETITION

Dear Sir/Madam:

The undersigned, on behalf of a client, submits this Suitability Petition pursuant to Section 505(j)(2)(C) of the Federal Food, Drug and Cosmetic Act ("FDC Act") and in accordance with 21 C.F.R. § 314.93 and 21 C.F.R. §§ 10.20 and 10.30, to request that the Commissioner of the U.S. Food and Drug Administration ("FDA") declare that the drug products Buprenorphine Sublingual Tablets, 4 mg and 12 mg, are suitable for consideration in an Abbreviated New Drug Application ("ANDA").

A. Action Requested

The petitioner requests that FDA declare that Buprenorphine Tablets, 4 mg and 12 mg, are suitable for submission as an ANDA. As designated in FDA's *Approved Drug Products with Therapeutic Equivalence Evaluations* ("Orange Book"), the Reference Listed Drug ("RLD") upon which this petition is based is Indivior, Inc.'s SUBUTEX (buprenorphine) Sublingual Tablets, which was approved for prescription use under New Drug Application ("NDA") 020732 in 2 mg and 8 mg strengths.[1] The

[1] SUBUTEX Sublingual Tablets, 2 mg and 8 mg (NDA 020732), are currently listed in the *Discontinued Drug Product List* section of the Orange Book. FDA previously determined that the drug products were not withdrawn for safety or effectiveness reasons. *See* FDA, Notice, Determination That SUBUTEX (Buprenorphine Hydrochloride) Sublingual Tablets, Equivalent 2 Milligrams Base and Equivalent 8 Milligrams Base, (continued . . .)

petitioner seeks to introduce new 4 mg and 12 mg sublingual tablet dosage form strengths for prescription use.

B. Statement of Grounds

FDC Act § 505(j)(2)(A)(iii) provides for the submission of an ANDA for a drug product that differs in strength from that of the listed drug provided FDA has first approved a petition permitting the submission of such an application.

SUBUTEX approved under NDA 020732 contains either 2 mg or 8 mg of buprenorphine HCl in a tablet dosage form for sublingual administration. A copy of the current Orange Book entry for SUBUTEX Sublingual Tablets, 2 mg and 8 mg (NDA 020732), is included in ***Attachment 1***. The proposed drug products also contain buprenorphine HCl in a tablet dosage form for sublingual administration, but in 4 mg and 12 mg strengths. The petition is thus seeking a change in tablet strength to 4 mg and 12 mg from that of the RLD (2 mg and 8 mg).

The proposed changes in strength are consistent with the dosing recommendations of the RLD's approved labeling. For example, the prescribing information for SUBUTEX Sublingual Tablets provides the following induction dosing information in patients dependent on heroin or other short-acting opioid products: "It is recommended that an adequate treatment dose, titrated to clinical effectiveness, should be achieved as rapidly as possible. The dosing on the initial day of treatment may be given in 2 mg to 4 mg increments if preferred." Prescribing Information, SUBUTEX Sublingual Tablets, Dosage and Administration (June 2022), *available at* https://www.accessdata.fda.gov/drugsatfda_docs/label/2022/020732s027s028lbl.pdf (***Attachment 2***). The prescribing information for SUBUTEX Sublingual Tablets also provides the following maintenance dosing information: "After treatment induction and stabilization, the maintenance dose of SUBUTEX is generally in the range of 4 mg to 24 mg buprenorphine per day depending on the individual patient. The recommended target dosage of SUBUTEX is 16 mg as a single daily dose." *Id.* The availability of new 4 mg and 12 mg sublingual tablet strengths is consistent with the dosing instructions for the RLD (NDA 020732). Moreover, the availability of new 4 mg and 12 mg sublingual tablet strengths will reduce a patient's pill burden, allowing a patient to, for example,

---

(continued . . .)

Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness, 80 Fed. Reg. 8088 (Feb. 13, 2015). In addition, FDA has withdrawn the approval of NDA 020732. *See* FDA, Notice, AbbVie Inc., et al.; Withdrawal of Approval of 30 New Drug Applications, 87 Fed. Reg. 50,337, 50,337 (Aug. 16, 2022).

administer a single 4 mg tablet instead of two 2 mg tablets, or two 12 mg tablets instead of three 8 mg tablets.

The proposed changes in strength from that of the RLD do not raise questions of safety or efficacy for the proposed drug products. Therefore, FDA should conclude that clinical investigations are not necessary to demonstrate safety or effectiveness of the proposed drug products.

There are no proposed changes in labeling with the exception of changes in strength sought in this petition. The uses, indications, warnings, and directions for use will remain the same as that of the RLD. Approved labeling for SUBUTEX Sublingual Tablets, 2 mg and 8 mg (NDA 020732) is included as ***Attachment 2***. Draft labeling for the proposed drug products is included as ***Attachment 3***. Therefore, the Petitioner requests that FDA find that a change in tablet strength from 2 mg and 8 mg to 4 mg and 12 mg of buprenorphine HCl raises no questions of safety or effectiveness.

The Pediatric Research Equity Act ("PREA"), enacted in December 2003, amended the FDC Act by requiring certain applications for a drug submitted under FDC Act § 505 to contain an assessment of the safety and effectiveness of the product in pediatric patients unless this requirement is deferred or waived. *See* FDC Act § 505B(a)(1)(A)(i). Specifically, PREA applies to all applications for a new active ingredient, dosage form, indication, route of administration, or dosing regimen. *See id.* ANDAs submitted under an approved suitability petition for a change in strength are not subject to PREA requirements. *See* FDA, Draft Guidance for Industry, Pediatric Drug Development: Regulatory Considerations—Complying With the Pediatric Research Equity Act and Qualifying for Pediatric Exclusivity Under the Best Pharmaceuticals for Children Act, at 9 (May 2023). Petitioner asserts that PREA is not applicable to the proposed Buprenorphine Sublingual Tablets, 4 mg and 12 mg, drug products because the proposed changes concern only new strengths. As such, PREA should not serve as an impediment to the Agency granting this petition.

C. Environmental Impact

A claim for categorical exclusion of the requirements for an environmental assessment is made pursuant to 21 C.F.R. § 25.31.

D. Economic Impact

Pursuant to 21 C.F.R. § 10.30(b), economic impact information is submitted only when requested by the Commissioner. This information will be promptly provided, if so requested.

E. Certification

The undersigned certifies that, to the best knowledge and belief of the undersigned, 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.

Sincerely,

Kurt R. Karst

KRK/eam
Attachments