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

1600 STEWART AVENUE, SUITE 604, WESTBURY, NY 11590
(516) 222-6222 • FAX (516) 683-1887

November 25, 2013

VIA OVERNIGHT DELIVERY 11/25/13

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

CITIZEN PETITION

Dear Sir or Madam:

Lachman Consultant Services, Inc. ("Lachman") is submitting this Citizen Petition in quadruplicate pursuant to 21 § C.F.R. 10.30 and in accordance with the regulations of 21 § C.F.R. 314.161, on behalf of a client, to request that the Commissioner of the Food and Drug Administration determine whether the container closure system that was used to package certain listed drugs has been voluntarily withdrawn for safety or effectiveness reasons as outlined below.

A. Action Requested

The petitioner requests that the Commissioner of the Food and Drug Administration determine whether the two-vial container closure system that was previously used to package the following Lupron Depot (Leuprolide Acetate for Depot Suspension) Injection drug products was voluntarily withdrawn from sale for safety or efficacy:

NDA No.	Drug Product	Strength	NDA Holder	Date Approved
19732	Lupron Depot	7.5 mg/vial	AbbVie Endocrine Inc. ("AbbVie")	Jan. 26, 1989
20011	Lupron Depot	3.75 mg/vial		Oct. 22, 1980
20263	Lupron Depot-PED	7.5 mg/vial		Apr. 16, 1993
	Lupron Depot-PED	11.25 mg/vial		Jan. 21, 1994
	Lupron Depot-PED	15 mg/vial		Jan. 21, 1994

Lupron Depot and Depot-PED Injection drug products were originally approved in a packaging configuration that comprised two vials: one vial containing the active ingredient (leuprolide acetate) as sterile lyophilized microspheres and a second vial containing a diluent for reconstitution (the "two vial system"). On October 26, 1995, the FDA approved supplements to the above-referenced NDAs for an additional container closure system comprising a prefilled, dual-chamber syringe containing lyophilized leuprolide acetate microspheres and diluent. (See **Attachment 1**, 10/26/95 Supplement Approval Letter). After that approval, AbbVie discontinued the marketing of its Lupron Depot and Lupron Depot-PED Injection drug products in the two vial system. The Petitioner believes that the sale of the two vial system was discontinued in 1998. Today, AbbVie continues to sell the Lupron Depot and Lupron Depot Injection products in the prefilled syringe.

B. Statement of Grounds

The Food and Drug Administration maintains a list of drug products that are eligible for submission as abbreviated new drug applications (ANDAs). This list, referred to as the Orange Book, is divided into three sections: (1) approved prescription drug products; (2) approved over-the-counter drug products;

and (3) discontinued drug products. Currently, the discontinued section of the Orange Book only lists the following two vial packaging configurations for Lupron Depot-PED as being discontinued:

(1) NDA 20263 (product number 003): Lupron (leuprolide acetate) Depot-PED Injection, 3.75 mg/vial, 7.5 mg/vial; and

(2) NDA 20263 (product number 004): Lupron (leuprolide acetate) Depot-PED Injection 7.5 mg/vial, 7.5 mg/vial

(See **Attachment 2** for the relevant Orange Book discontinued listing). There are no entries reflecting the discontinuation of the two-vial system used to package the remaining dosage strengths approved under NDA 20263 or the dosage strengths approved under NDAs 19732 and 20011[1]. However, as previously stated, Petitioner believes the two-vial system was discontinued for all of the relevant dosage strengths in 1998.

After a review of publicly available information, including searches on the Internet using common search engines such as Google and Yahoo!, it appears that AbbVie did not withdraw the two-vial system used for Lupron Depot and Depot-PED for safety or effectiveness reasons. In particular, we note the following research results:

- Trade press searches did not reveal information suggesting that the two-vial versions of Lupron Depot and Depot-PED were withdrawn for safety or effectiveness reasons. Specifically, there were no trade press articles discussing a decision to discontinue the sale of these drug products packaged in the two-vial system.

- There are no published state or federal court decisions relating to product liability arising out of the use of the Lupron Depot and Depot-PED two-vial system.

Under FDA regulations, drugs are withdrawn from the market if the Agency withdraws or suspends approval of the drug application for the reasons of safety or effectiveness, or if the FDA determines that the listed drug was withdrawn or withheld from sale for reasons of safety or effectiveness (21 C.F.R. § 314.162). The regulations also provide that the Agency must make a determination as to whether a listed drug is withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (21 § C.F.R. 314.161(a)(1)).

The available information suggests that the two-vial system used to package the Lupron Depot and Depot-PED Injection drug products was not withdrawn for safety or effectiveness reasons. Rather, it appears that AbbVie withdrew this container closure system for voluntary reasons unrelated to the product's safety or effectiveness. Petitioner, therefore, requests that the FDA determine that AbbVie's voluntary withdrawal of the two-vial container closure system used to package Lupron Depot and Depot-PED was for reasons other than safety or effectiveness in order to enable action on ANDAs referring to Lupron Depot and Depot-PED products packaged in the two-vial system as the Reference Listed Drugs. It also requests that the Agency publish a notice of its determination in the *Federal Register* and to appropriately annotate the Orange Book.

Should the NDA holder recommence marketing its Lupron (leuprolide acetate) Depot and Depot-PED drug products in the two-vial system after the submission of this petition and prior to an FDA response, and there is evidence that the products in the two-vial system are available in the marketplace, the

[1] The active section of the Orange Book does not differentiate the packaging configurations used for Lupron Depot and Depot-PED drug products.

petitioner will consider this petition moot. The petitioner will at that time take the appropriate action to request withdrawal of the 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 petition which is unfavorable to the petition.

Respectfully submitted,

Terri Nataline

Terri Nataline
Principal Consultant

TN/ly

Attachment 1: October 26, 1995 Approval Letter for NDA 19-732/S-009, NDA 19-943/S-002, NDA 20-011/S-006, and NDA 20-263/S-006
Attachment 2: Discontinued Section of Orange Book accessed 11/14/2013

cc: Martin Shimer (Office of Generic Drugs)

Lupron Depot Petition 112513 [40506]

From: (516) 683-1881 Origin ID: RMEA
Westbury Office
LACHMAN CONSULTANT SERVICES
1600 STEWART AVE
SUITE 604
WESTBURY, NY 11590

FedEx Express

J132013062803 26

Ship Date: 25NOV13
ActWgt: 1.0 LB
CAD: 105332656/INET3430

Delivery Address Bar Code

Ref # Citizen Petition
Invoice #
PO #
Dept #

SHIP TO: (301) 827-6860 BILL SENDER

Division of Dockets Management
FDA, DHHS, HFA-305
5630 FISHERS LN RM 1061

ROCKVILLE, MD 20852

TUE - 26 NOV AA
STANDARD OVERNIGHT
DSR
20852
MD-US
IAD

TRK# 0201 7972 4343 9917

EP NSFA

51AG1/D5E6/1A9E

After printing this label:
1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com.FedEx will not be responsible for any claim in excess of $100 per package, whether the result of loss, damage, delay, non-delivery,misdelivery,or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim.Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental,consequential, or special is limited to the greater of $100 or the authorized declared value. Recovery cannot exceed actual documented loss.Maximum for items of extraordinary value is $1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.