FRESENIUS KABI

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CITIZEN PETITION
VIA ELECTRONIC SUBMISSION 04/02/2020

02 April 2020

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

Dear Sir/Madam:

The undersigned submits this petition pursuant to the Federal Food, Drug and Cosmetic Act and 21 CFR 10.30 requesting the Commissioner of the Food and Drug Administration to designate Fresenius Kabi USA, LLC's (FK USA) Acetaminophen Injection 10 mg/mL, approved under 505(b)(2) NDA 204767 as therapeutically equivalent with an 'AP' rating to the reference listed drug (RLD) Ofirmev®, NDA 022450, by Mallinckrodt Hosp Products IP Ltd.

A. Action Requested

The petitioner requests that the Commissioner of the Food and Drug Administration designate Acetaminophen Injection 10 mg/mL, manufactured by FK USA (NDA 204767), as a therapeutic equivalent, with an 'AP' rating, to the reference listed drug (RLD) Ofirmev®, NDA 022450, by Mallinckrodt Hosp Products IP Ltd.

The original submission of FK USA's NDA application included a 50mL glass bottle that could not be filed as an ANDA to Ofirmev®. FK USA has withdrawn that presentation from its NDA application.

B. Statement of Grounds

FK USA's Acetaminophen Injection drug product (NDA 204767) is therapeutically equivalent to other pharmaceutically equivalent i.e Reference Listed Drug (RLD), Ofirmev®, NDA 022450, by Mallinckrodt Hosp Products IP Ltd, and is expected to have the same clinical effect and safety profile as the RLD. A side-by-side pharmaceutical comparison of FK USA's NDA 204767 and the RLD NDA 022450 is provided in Table 1 for the reviewer's convenience.

Table 1 Side-by-Side Pharmaceutical Equivalence Comparison of FK USA NDA 204767 and the RLD NDA 022450

	RLD NDA 022450	FK USA NDA 204767	COMPARISON
Name	Ofirmev™	Acetaminophen Injection	Same
Strength	10 mg/mL	10 mg/mL	Same
Route of Administration	Intravenous infusion	Intravenous infusion	Same
Dosage Form	Pre-Mixed Solution	Pre-Mixed Solution	Same
Active Ingredient	Acetaminophen	Acetaminophen	Same
Excipients	Mannitol, Cysteine Hydrochloride (monohydrate) (antioxidant), Dibasic sodium Phosphate (buffer), Water for Injection, Hydrochloric	Mannitol, Cysteine DAB (antioxidant), Water for Injection, Hydrochloric Acid, Sodium	Same[1]
Indications of Use	It is indicated for management of mild to moderate pain, management of moderate to severe pain with adjunctive opioid analgesics, and reduction of fever.	It is indicated for management of mild to moderate pain, management of moderate to severe pain with adjunctive opioid analgesics, and reduction of fever.	Same

[1] As per 21 CFR § 314.94 (a)(9)(iii) an applicant may seek approval of a drug product that differs from the reference listed drug in preservative, buffer, or antioxidant provided that the applicant identifies and characterizes the differences and provides information demonstrating that the differences do not affect the safety or efficacy of the proposed drug product

The "Approved Drug Products with Therapeutic Equivalence Evaluations", ("The Orange Book"), defines pharmaceutically equivalent drug products as follows:

1. Contain identical amounts of the same active drug ingredient in the same dosage form and route of administration
2. Meet compendial or other applicable standards of strength, quality, purity and identity

The "Approved Drug Products with Therapeutic Equivalence Evaluations", ("The Orange Book"), defines therapeutically equivalent drug products as follows:

1. Are approved as safe and effective.
2. Contain identical amounts of the same active drug ingredient in the same dosage form and route of administration
3. Meet compendial or other applicable standards of strength, quality, purity and identity
4. Are bioequivalent
5. Are adequately labeled
6. Were manufactured under cGMP

According to the Orange Book Preface to the 40th Edition, therapeutically equivalent drug products are having no known or suspected bioequivalence problem and can differ in certain other characteristics, such as shape, scoring configuration, release mechanisms, packaging, excipients, expiration date/time, minor aspects of labeling and storage conditions.

Table 1 demonstrates that the RLD and FK drug products are identical with the exception of the buffer Dibasic sodium Phosphate. A buffer is considered to be an exception excipient d. This change in excipient is not expected to alter the pharmacokinetics, safety or efficacy of acetaminophen. FK USA's Acetaminophen Injection, 505(b)(2) NDA 204767, also relied, completely, on the RLD data and previously published literature for safety and efficacy.

Based on all the above-mentioned reasons, FK USA kindly requests the Agency to grant a therapeutic equivalence rating 'AP' for NDA 204767, Acetaminophen Injection.

C. Environmental Impact

In accordance with the requirements set forth in 21 CFR 25.31, FK USA hereby requests a Categorical Exclusion from the requirements to prepare an Environmental Impact Assessment.

D. Economic Impact

Pursuant to 21 CFR 10.30(b) an economic impact analysis will be provided upon request.

E. Certification

FK USA certifies that to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and includes representative data and information known to the petitioner, which are unfavorable to the petition.

Respectfully submitted,

Prabha Kannan

Digitally signed by Prabha Kannan
DN: c=US, st=Illinois, l=Lake Zurich, o=Fresenius Netcare, ou=IT, cn=Prabha Kannan, email=Prabha.Kannan@fresenius-kabi.com
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