November 05, 2019

To,

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/Madam,

The undersigned submits this Citizen Petition electronically under Section 505(j) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 10.25(a), 10.30 and 314.93, to request the Food and Drug Administration to **designate a suitable alternative reference standard (RS)** for purpose of conducting *in vivo* bioequivalence studies to support our ANDA application for Amoxicillin and Clavulanate Potassium Extended Release Tablets 1000 mg/ 62.5 mg with reference to the current Orange Book (Approved Drug Products with Therapeutic Equivalence Evaluations).

The request is being made on the following grounds;

1. Current Orange Book lists "AUGMENTIN XR® (Amoxicillin and Clavulanate Potassium Extended Release Tablets) 1000 mg/ 62.5 mg (NDA # 050785), of Neopharma Inc.", as Reference Standard (RS) as well as Reference Listed Drug (RLD). However, though not listed as discontinued in electronic Orange Book, as per IMS (MAT) data quantity of the current reference standard is so limited that a potential ANDA applicant is not able to obtain a sufficient quantity for *in vivo* bioequivalence testing. Please also note that as per the record for application number (050785) in the National Drug Code directory, two NDC package code (43598-220-28 & 43598-220-40) are available. The non-availability statement of samples for both NDC package code from the distributor indicate that the current designated reference standard samples is unavailable.

2. Approved generic product, "Amoxicillin and Clavulanate Potassium Extended Release Tablets, 1000 mg/ 62.5 mg (ANDA # 090227), of Sandoz Inc.", listed in the Orange Book is currently only the marketed drug product and hence, eligible to be designated as

reference standard due to limited or non-availability of the current Orange Book listed reference standard "AUGMENTIN XR® (Amoxicillin and Clavulanate Potassium Extended Release Tablets) 1000 mg/ 62.5 mg (NDA # 050785), of Neopharma Inc."

A. Action Requested

Aurobindo Pharma Limited requests the Food and Drug Administration (FDA) to designate the approved "Amoxicillin and Clavulanate Potassium Extended Release Tablets, 1000 mg/ 62.5 mg (ANDA # 090227), of Sandoz Inc.", as a reference standard, upon which ANDA applicant can rely for purpose of *in vivo* bioequivalence testing required for ANDA filing.

B. Statement of Grounds

The Food and Drug Administration maintains a list of drug products, which are eligible for submission as Abbreviated New Drug Applications (ANDA's) in the *Approved Drug Products with Therapeutic Equivalence Evaluations* (The Orange Book).

FDC Act §505(j) allows the marketing of generic versions of previously approved drug products when the generic drug product is the subject of an ANDA. To obtain ANDA approval, the application sponsor must show, among other things, that with respect to a listed drug (i.e., a previously approved drug product), the generic drug product has the same active ingredient(s) in the same strength, has essentially identical labeling.

Approved Drug Products with Therapeutic Equivalence Evaluations (The Orange Book) database current through November 2019* is provided in following table;

Market Status	**RX**	**RX**
Active Ingredient	Amoxicillin and Clavulanate Potassium	Amoxicillin and Clavulanate Potassium
Proprietary Name	AUGMENTIN XR®	Amoxicillin and Clavulanate Potassium Extended Release Tablets
Application No.	**N050785**	**A090227**
Product Number	001	001
Dosage Form	Tablet, Extended Release	Tablet, Extended Release
Route	Oral	Oral
Strength	1000 mg / 62.5 mg	1000 mg / 62.5 mg
TE Code	AB	AB
RLD	**RLD**	-
RS	**RS**	-
Applicant Holder	NEOPHARMA Inc.	SANDOZ Inc.
Approval Date	September 25, 2002	April 21, 2010

* Data accessed on November 05, 2019.

Due to market unavailability of designated reference standard, evaluation/comparison of a Aurobindo's generic drug could not be executed.

As per Draft Guidance for Industry, ***Referencing Approved Drug Products in ANDA Submissions, Ill.* C.2 *and* 3**,

"FDA also will consider selecting a new reference standard when the Agency determines that the quantity of the current reference standard in distribution is so limited that a potential ANDA applicant is not able to obtain a sufficient quantity for in vivo bioequivalence testing (even if the current reference standard is not in the Discontinued Section of the Orange Book). When selecting a new reference standard, FDA generally selects a drug product that is therapeutically equivalent to the discontinued RLD and is the market leader based on units sold."

"If there is a reference standard in the Active Section of the Orange Book but there are limited or no quantities of the reference standard in distribution, or a potential ANDA applicant believes a reference standard other than the one selected by FDA is appropriate, then the potential applicant may submit a citizen petition under 21 CFR 10.25(a) and 10.30 to request that FDA select that different listed drug also as a reference standard."

The Petitioner (Aurobindo Pharma Limited) therefore requests FDA to designate approved generic product, "Amoxicillin and Clavulanate Potassium Extended Release Tablets, 1000 mg/ 62.5 mg (ANDA # 090227), of Sandoz Inc.", as a reference standard (RS), as FDC Act §505(j) allows the marketing of generic versions of previously approved drug products when the generic drug product is the subject of an ANDA.

In support of the designation of the reference standard to Approved Generic Product "Amoxicillin and Clavulanate Potassium Extended Release Tablets, 1000 mg/ 62.5 mg (ANDA # 090227), of Sandoz Inc.", we have included the following data:

1. Current Orange Book Search Results
2. NDC Directory Search Results
3. Drugs@FDA Search Results
4. Detailed IMS, Moving annual total (MAT) data indicating Approved Generic product "Amoxicillin and Clavulanate Potassium Extended Release Tablets, 1000 mg/ 62.5 mg (ANDA # 090227), of Sandoz Inc."
5. Non availability of samples statement from pharmacy.

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(a) and 25.15(d).

D. Economic Impact Statement

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 is unfavorable to this petition.

Sincerely yours,

Blessy Johns

Digitally signed by Blessy Johns
DN: c=US, st=New Jersey, l=Dayton, o=Aurobindo Pharma USA, Inc., cn=Blessy Johns, email=bjohns@aurobindousa.com
Date: 2019.11.05 17:45:08 -05'00'

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