DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

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Michael Bannester
1720 W. Wabansia Avenue
Chicago, IL 60622

Re: Docket No. 2006P-0089/CP1

Dear Mr. Bannester:

This letter responds to the citizen petition you submitted on February 27, 2006 (Petition), requesting that the Food and Drug Administration (FDA) stay the approval of any pending supplements to biological license applications (BLAs) submitted by or on behalf of Genentech Inc. (Genentech) or Biogen Idec, Inc. (Biogen) for Rituxan (rituximab).[1] Specifically, you request that Genentech and Biogen not receive approval for a BLA supplement to market Rituxan for the treatment of patients with rheumatoid arthritis. For the reasons described below, your petition is denied.

Rituxan, marketed jointly by Genentech and Biogen, is a sterile, clear, colorless, preservative-free liquid concentrate for intravenous (IV) administration. The Rituxan antibody is a genetically engineered chimeric murine/human monoclonal antibody directed against the CD20 antigen found on the surface of normal and malignant B lymphocytes. FDA approved Rituxan (BLA numbers 103705/103737) in 1997 for the treatment of patients with relapsed or refractory, low-grade or follicular, CD20-positive, B-cell, non-Hodgkin's lymphoma. Rituxan is also indicated for the first-line treatment of diffuse large B-cell, CD20-positive, non-Hodgkin's lymphoma in combination with CHOP[2] or other anthracycline-based chemotherapy regimens. The specific BLA supplement that you reference (BLA number 103705/5211) was submitted to FDA and was approved on February 28, 2006, for combination treatment with methotrexate to reduce signs and symptoms of the disease in adult patients with moderately- to severely-active rheumatoid arthritis who have had an inadequate response to one or more tumor necrosis factor (TNF) antagonist therapies.

In your Petition, you request that FDA stay future approvals of pending supplements to BLAs for Rituxan because you allege that Genentech and Biogen were involved in the illegal marketing of the drug for unapproved uses. In addition, you request that we expedite your request or stay the

[1] Prior to writing the response to this Petition, we also reviewed the comments submitted to Docket 2006P-0089.
[2] CHOP is a common chemotherapy regimen for treating non-Hodgkin's lymphoma and consists of a set of drugs including, cyclophosphamide, adriamycin, vincristine, and prednisone.

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decision on Genentech/Biogen's supplement application to market Rituxan for rheumatoid arthritis. At the current time, your stay request is moot. FDA approved Rituxan for the rheumatoid arthritis indication the day after your Petition was received.

Under the Federal Food, Drug, and Cosmetic Act (FFDCA) and the Public Health Service Act (PHSA), FDA must approve a marketing application for a drug that meets the statutory requirements for approval (See 21 U.S.C. § 355(d), Section 505(d) of the PHSA). FDA does not have the statutory authority to stay such an approval based on allegations regarding a sponsor's promotional activities such as your allegations that a sponsor was promoting a product for off-label use. Before approving the BLA supplement for Rituxan, FDA found that the sponsor had conducted adequate and well-controlled studies initiated in 2002-2003 under an investigational new drug application (IND) which showed that the drug will have the effect that it is purported or prescribed to have for the rheumatoid arthritis indication.

Your request, more appropriately, asks FDA to undertake enforcement action, which is wholly within the agency's discretion. We welcome the information you provided regarding the off-label promotion of this drug and referred the information to the appropriate FDA staff and government officials for their review and consideration.

For the reasons discussed above, your Petition requesting a stay of further approvals of any pending supplements to the Rituxan BLA, including the supplement to market the drug for treatment of rheumatoid arthritis, is denied.

Thank you for your interest in promoting public awareness of the safe use of medications.

Sincerely,

11.2.06

Steven K. Galson, M.D., M.P.H.
Director
Center for Drug Evaluation and Research