DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

ANDA 204648

APPROVAL

Bionpharma Inc.
600 Alexander Road, Suite 2-4B
Princeton, New Jersey 08540
Attention: Sreelatha Panicker
Associate Director, Regulatory Affairs

Dear Madam:

This is in reference to your abbreviated new drug application (ANDA) dated November 13, 2012, submitted pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), for Diclofenac Potassium Capsules, 25 mg.

Reference is made to the Complete Response letter issued by this office on May 14, 2015, and to your amendments dated July 31, September 9 and October 13, 2015.

We have completed the review of this ANDA and have concluded that adequate information has been presented to demonstrate that the drug is safe and effective for use as recommended in the submitted labeling. **Accordingly the ANDA is approved**, effective on the date of this letter. The Division of Bioequivalence has determined your Diclofenac Potassium Capsules, 25 mg to be bioequivalent and, therefore, therapeutically equivalent to the reference listed drug (RLD), Zipsor of Depomed, Inc.

Your dissolution testing should be incorporated into the stability and quality control program using the same method proposed in your ANDA.

The RLD upon which you have based your ANDA, Zipsor, Capsules, 25 mg of Depomed, Inc. (Depomed), is subject to periods of patent protection. The following patents and expiration dates are currently listed in the agency's publication titled Approved Drug Products with Therapeutic Equivalence Evaluations(the "Orange Book"):

U.S. Patent Number	Expiration Date
6,287,594 (the '594 patent)	January 15, 2019
6,365,180 (the '180 patent)	July 15, 2019
7,662,858 (the '858 patent)	February 24, 2029
7,884,095 (the '095 patent)	February 24, 2029
7,939,518 (the '518 patent)	February 24, 2029
8,110,606 (the '606 patent)	February 24, 2029
8,623,920 (the '920 patent)	February 24, 2029

Your ANDA contains paragraph IV certifications to each of the patents under section 505(j)(2)(A)(vii)(IV) of the FD&C Act stating that the patents are invalid, unenforceable, or will not be infringed by your manufacture, use, or sale of Diclofenac Potassium Capsules, 25 mg, under this ANDA. You have notified the agency that Bionpharma Inc. (Bionpharma) complied with the requirements of section 505(j)(2)(B) of the FD&C Act, and that litigation was initiated against Bionpharma for infringement of the patents within the statutory 45-day period in the United States District Court for the District of New Jersey [Depomed, Inc. v. Banner Pharmacaps, Inc. et al, Civil Action No. 3:12-0452]. You have also notified the agency that this litigation has been dismissed.

With respect to 180-day generic drug exclusivity, we note that Bionpharma was the first ANDA applicant for Diclofenac Potassium Capsules, 25 mg, to submit a substantially complete ANDA with a paragraph IV certification. Therefore, with this approval, Bionpharma may be eligible for 180 days of generic drug exclusivity for Diclofenac Potassium Capsules, 25 mg. This exclusivity, which is provided for under section 505 (j)(5)(B)(iv) of the FD&C Act, would begin to run from the date of the commercial marketing identified in section 505(j)(5)(B)(iv). The agency notes that Bionpharma failed to obtain tentative approval of this ANDA within 30 months after the date on which the ANDA was filed. See section 505(j)(5)(D)(i)(IV) (forfeiture of exclusivity for failure to obtain tentative approval). The agency is not, however, making a formal determination at this time of the eligibility of Bionpharma for 180-day generic drug exclusivity.

Under section 506A of the FD&C Act, certain changes in the conditions described in this ANDA require an approved supplemental application before the change may be made.

Please note that if FDA requires a Risk Evaluation & Mitigation Strategy (REMS) for a listed drug, an ANDA citing that listed drug also will be required to have a REMS. See section 505-1(i) of the FD&C Act.

Postmarketing reporting requirements for this ANDA are set forth in 21 CFR 314.80-81 and 314.98. The Office of Generic Drugs should be advised of any change in the marketing status of this drug.

Promotional materials may be submitted to FDA for comment prior to publication or dissemination. Please note that these submissions are voluntary. If you desire comments on proposed launch promotional materials with respect to compliance with applicable regulatory requirements, we recommend you submit, in draft or mock-up form, two copies of both the promotional materials and package insert(s) directly to:

Food and Drug Administration
Center for Drug Evaluation and Research
Office of Prescription Drug Promotion
5901-B Ammendale Road
Beltsville, MD 20705

We call your attention to 21 CFR 314.81(b)(3) which requires that all promotional materials be submitted to the Office of Prescription Drug Promotion with a completed Form FDA 2253 at the time of their initial use.

The Generic Drug User Fee Amendments of 2012 (GDUFA) (Public Law 112-144, Title III) established certain provisions with respect to self-identification of facilities and payment of annual facility fees. Your ANDA identifies at least one facility that is subject to the self-identification requirement and payment of an annual facility fee. Self-identification must occur by June 1 of each year for the next fiscal year. Facility fees must be paid each year by the date specified in the Federal Register notice announcing facility fee amounts. All finished dosage forms (FDFs) or active pharmaceutical ingredients (APIs) manufactured in a facility that has not met its obligations to self-identify or to pay fees when they are due will be deemed misbranded. This means that it will be a violation of federal law to ship these products in interstate commerce or to import them into the United States. Such violations can result in prosecution of those responsible, injunctions, or seizures of misbranded products. Products misbranded because of failure to self-identify or pay facility fees are subject to being denied entry into the United States.

As soon as possible, but no later than 14 days from the date of this letter, submit, using the FDA automated drug registration and listing system (eLIST), the content of labeling [21 CFR 314.50(l)] in structured product labeling (SPL) format, as described at http://www.fda.gov/ForIndustry/DataStandards/StructuredProductLabeling/default.htm, that is identical in content to the approved labeling (including the package insert, and any patient package insert and/or Medication Guide that may be required). Information on submitting SPL files using eLIST may be found in the guidance for industry titled "SPL Standard for Content of Labeling Technical Qs and As" at http://www.fda.gov/downloads/DrugsGuidanceComplianceRegulatoryInformation/Guidances/UCM072392.pdf. The SPL will be accessible via publicly available labeling repositories.

Sincerely yours,

Carol A. Holquist -S

Digitally signed by Carol A. Holquist -S
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Carol A. Holquist, RPh
Acting Deputy Director
Office of Regulatory Operations
Office of Generic Drugs
Center for Drug Evaluation and Research