

Cut Drug Approval Time with a 505(b)(2)

Table of Contents

Ways to Use the 505(b)(2)	3
Applications for Changes to Approved Drugs.....	4
Bioequivalence	4
Restrictions and Fees	5
505(b)(2) Patent and Exclusivity Protections	7
Five-Year Patent Exclusivity	7
Three-Year Exclusivity	7
Orange Book Patent Listings.....	8
FDA Interpretations	11
Choosing a Listed Drug.....	11
Changing a Listed Drug in a 505(b)(2) Application.....	12
What Can or Cannot Serve as a 505(b)(2) Listed Drug	13
Duplicate Drugs.....	13
‘Originating NDA’ Patent Certification	14
Dueling 505(b)(2) Applications.....	14
Recent Challenges Concerning 505(b)(2)s	17
Origin of the 505(b)(2).....	19
Appendices (<i>can be found on the CD in the back of this report</i>)	
A. Applications Covered by Section 505(b)(2) (FDA Draft Guidance)	
B. Approved Drug Products with Therapeutic Equivalence Evaluations 34 th Edition (Orange Book)	
C. New Chemical Entity Exclusivity Determinations for Certain Fixed-Combination Drug Products (FDA Draft Guidance)	
D. FDA Guidance for Industry: Codevelopment of Two or More New Investigational Drugs for Use in Combination	
E. Listed Drugs, 30-Month Stays, and Approval of ANDAs and 505(b)(2) Applications Under Hatch-Waxman, as Amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (FDA Draft Guidance)	