



# APPROVED DRUG PRODUCTS

WITH

THERAPEUTIC  
EQUIVALENCE  
EVALUATIONS

31<sup>st</sup> EDITION

THE PRODUCTS IN THIS LIST HAVE BEEN APPROVED UNDER  
SECTION 505 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

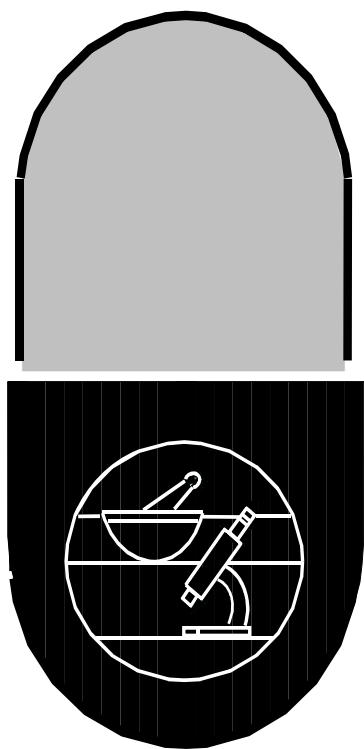
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FOOD AND DRUG ADMINISTRATION  
CENTER FOR DRUG EVALUATION AND RESEARCH  
OFFICE OF PHARMACEUTICAL SCIENCE  
OFFICE OF GENERIC DRUGS

2011

MYLAN - EXHIBIT 1059

Mylan Laboratories Limited v. Aventis Pharma S.A.

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# APPROVED DRUG PRODUCTS with THERAPEUTIC EQUIVALENCE EVALUATIONS

The products in this list have been approved under section 505 of the Federal Food, Drug, and Cosmetic Act. This volume is current through December 31, 2010.

## 31<sup>st</sup> EDITION



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**FOOD AND DRUG ADMINISTRATION  
 CENTER FOR DRUG EVALUATION AND RESEARCH  
 APPROVED DRUG PRODUCTS  
 with  
 Therapeutic Equivalence Evaluations**

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**FOOD AND DRUG ADMINISTRATION  
CENTER FOR DRUG EVALUATION AND RESEARCH  
APPROVED DRUG PRODUCTS**

**with  
Therapeutic Equivalence Evaluations**

**PREFACE TO THIRTY FIRST EDITION**

The publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (the List, commonly known as the Orange Book), identifies drug products approved on the basis of safety and effectiveness by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (the Act). Drugs on the market approved only on the basis of safety (covered by the ongoing Drug Efficacy Study Implementation [DESI] review [e.g., Donnatal® Tablets and Librax® Capsules] or pre-1938 drugs [e.g., Phenobarbital Tablets]) are not included in this publication. The main criterion for the inclusion of any product is that the product is the subject of an application with an effective approval that has not been withdrawn for safety or efficacy reasons. Inclusion of products on the List is independent of any current regulatory action through administrative or judicial means against a drug product. In addition, the List contains therapeutic equivalence evaluations for approved multisource prescription drug products. These evaluations have been prepared to serve as public information and advice to state health agencies, prescribers, and pharmacists to promote public education in the area of drug product selection and to foster containment of health care costs. Therapeutic equivalence evaluations in this publication are not official FDA actions affecting the legal status of products under the Act.

**Background of the Publication.** To contain drug costs, virtually every state has adopted laws and/or regulations that encourage the substitution of drug products. These state laws generally require either that substitution be limited to drugs on a specific list (the positive formulary approach) or that it be permitted for all drugs except those prohibited by a particular list (the negative formulary approach). Because of the number of requests in the late 1970s for FDA assistance in preparing both positive and negative formularies, it became apparent that FDA could not serve the needs of each state on an individual basis. The Agency also recognized that providing a single list based on common criteria would be preferable to evaluating drug products on the basis of differing definitions and criteria in various state laws. As a result, on May 31, 1978, the Commissioner of the Food and Drug Administration sent a letter to officials of each state stating FDA's intent to provide a list of all prescription drug products that are approved by FDA for safety and effectiveness, along with therapeutic equivalence determinations for multisource prescription products.

The List was distributed as a proposal in January 1979. It included only currently marketed prescription drug products approved by FDA through new drug applications (NDAs) and abbreviated new drug applications (ANDAs) under the provisions of Section 505 of the Act.

The therapeutic equivalence evaluations in the List reflect FDA's application of specific criteria to the multisource prescription drug products on the List approved under Section 505 of the Act. These evaluations are presented in the form of code letters that indicate the basis for the evaluation made. An explanation of the code appears in the *Introduction*.

A complete discussion of the background and basis of FDA's therapeutic equivalence evaluation policy was published in the *Federal Register* on January 12, 1979 (44 FR 2932). The final rule, which includes FDA's responses

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