



NDA 212295

**NOTIFICATION OF
NON-COMPLIANCE WITH PREA**

Acacia Pharma Ltd
c/o Eagle Pharmaceuticals, Inc.
50 Tice Boulevard, Suite 315
Woodcliff Lake, NJ 07677

Attention: Janis A. Picurro
Authorized U.S. Agent/Senior Vice President, Eagle Pharmaceuticals, Inc.

Dear Janis Picurro:

Please refer to your new drug application (NDA) submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (the Act) for Byfavo (remimazolam) for injection, which was approved on July 2, 2020.

The Agency has determined that you have failed to meet the postmarketing requirements (PMRs) of the Pediatric Research Equity Act (PREA) for this application because you have not yet submitted your pediatric assessment for the following PMRs, which were deferred until the dates listed:

PMR 3889-3: Deferred until December 31, 2022

PMR 3889-5: Deferred until December 31, 2022

Therefore, we are hereby notifying you that due to your failure to submit either a pediatric assessment or a request for a deferral extension, you are not in compliance with federal law.

Under the provisions of section 505B(d)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) [21 U.S.C. 355c(d)(1)], you must respond in writing within 45 calendar days of the date of this letter. Your response should include the reason(s) for the delayed pediatric assessment and a date by which you expect to submit the assessment. You may also include a request for a deferral extension, if applicable, which should be identified as a "**DEFERRAL EXTENSION REQUESTED**" in your response.

In accordance with the FD&C Act, FDA will post this letter and your response to the website at <https://www.fda.gov/drugs/development-resources/non-compliance-letters-under-505bd1-federal-food-drug-and-cosmetic-act> with redactions for any trade secrets and confidential commercial information 60 calendar days from the date of this letter.

Please identify your response to this letter as a “**RESPONSE TO PREA NON-COMPLIANCE LETTER.**” To facilitate our review, submit this information to your NDA with a cross-reference letter to the investigational new drug application (IND) to which your protocol has been submitted.

If you have any questions, please contact Wing Yip, Senior Regulatory Health Project Manager, at Wing.Yip@fda.hhs.gov.

Sincerely,

{See appended electronic signature page}

Rigoberto Roca, MD
Director
Division of Anesthesiology, Addiction Medicine and
Pain Medicine
Office of Neuroscience
Center for Drug Evaluation and Research

This is a representation of an electronic record that was signed electronically. Following this are manifestations of any and all electronic signatures for this electronic record.

/s/

RIGOBERTO A ROCA
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