

<http://health.gov/dietaryguidelines/2010.asp>.

4. "Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans," 2010 to the Secretary of Agriculture and the Secretary of Health and Human Services, available at <http://www.cnpp.usda.gov/DGAs2010-DGACReport.htm>.
5. FAO/WHO, (2011). "Report of the Joint FAO/WHO Expert Consultation on the Risks and Benefits of Fish Consumption," Rome, 25–29 January 2010. FAO Fisheries and Aquaculture Report No. 978 FIPM/R978(En).
6. "A Quantitative Assessment of the Net Effects on Fetal Neurodevelopment From Eating Commercial Fish (As Measured by IQ and also by Early Age Verbal Development in Children)." Available at: <http://www.fda.gov/Food/FoodbornellnessContaminants/Metals/ucm393211.htm>.
7. Cohen, J.T., DC Bellinger, W.E. Connor, et al., (November 2005). "A Quantitative Risk-Benefit Analysis of Changes in Population Fish Consumption," *American Journal of Preventive Medicine*, vol. 29(4), pp. 325–334.
8. Ginsberg, C.L. and B.F. Toal, (2009). Quantitative Approach for Incorporating Methylmercury Risks and Omega-3 Fatty Acid Benefits in Developing Species-Specific Fish Consumption Advice. *Environmental Health Perspectives*, vol. 117(2), pp. 267–275.
9. Lando, A.M., S.B. Fein, and C.J. Choinière, (2012). "Awareness of Methylmercury in Fish and Fish Consumption Among Pregnant and Postpartum and Women of Childbearing Age in the United States," *Environmental Research*, vol. 116, pp. 85–92.
10. Daniels, J.L., M.P. Longnecker, A.S. Rowland, J. Golding, and the ALSPAC Study Team University of Bristol Institute of Child Health, (July 2004). "Fish Intake During Pregnancy and Early Cognitive Development of Offspring," *Epidemiology*, vol. 15(4), pp. 394–402.
11. FAO/WHO, (2011). "Report of the Joint FAO/WHO Expert Consultation on the Risks and Benefits of Fish Consumption," Rome, January 25–29, 2010. FAO Fisheries and Aquaculture Report No. 978 FIPM/R978(En) (see page 26).
12. Institute of Medicine, Committee on Nutrient Relationships in Seafood: "Selections to Balance Benefits and Risks," (2006). *Seafood Choices, Balancing Benefits and Risks*. The National Academies Press, Washington, DC. (see page 240).
13. "Mercury Levels in Commercial Fish and Shellfish 1990–2010," available at: <http://www.fda.gov/Food/FoodbornellnessContaminants/Metals/ucm115644.htm>.

Dated: June 6, 2014.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014–13584 Filed 6–10–14; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2011–E–0713]

#### Determination of Regulatory Review Period for Purposes of Patent Extension; Vandetanib

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for VANDETANIB and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO) for the extension of a patent which claims that human drug product.

**ADDRESSES:** Submit electronic comments to <http://www.regulations.gov>. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to <http://www.regulations.gov> at Docket No. FDA–2013–S–0610.

**FOR FURTHER INFORMATION CONTACT:**

Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval

phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product Vandetanib. Vandetanib is indicated for the treatment of symptomatic or progressive medullary thyroid cancer in patients with unresectable locally advanced or metastatic disease. Subsequent to this approval, the USPTO received a patent term restoration application for Vandetanib (U.S. Patent No. RE42,353) from AstraZeneca UK Limited, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 9, 2012, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of Vandetanib represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Vandetanib is 4,009 days. Of this time, 3,735 days occurred during the testing phase of the regulatory review period, while 274 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* April 16, 2000. The applicant claims April 20, 2000, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was April 16, 2000, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* July 7, 2010. FDA has verified the applicant's claim that the new drug application (NDA) for Vandetanib (NDA 22–405) was submitted on July 7, 2010.

3. *The date the application was approved:* April 6, 2011. FDA has

verified the applicant's claim that NDA 22-405 was approved on April 6, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,738 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 11, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 8, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to <http://www.regulations.gov>, Docket No. FDA-2013-S-0610. Comments and petitions that have not been made publicly available on <http://www.regulations.gov> may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 5, 2014.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014-13567 Filed 6-10-14; 8:45 am]

**BILLING CODE 4160-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2011-E-0714]

#### Determination of Regulatory Review Period for Purposes of Patent Extension; Vandetanib

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for Vandetanib and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

**ADDRESSES:** Submit electronic comments to <http://www.regulations.gov>. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to <http://www.regulations.gov> at Docket No. FDA-2013-S-0610.

**FOR FURTHER INFORMATION CONTACT:**

Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993-0002, 301-796-7900.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will

include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product Vandetanib (vandetanib). Vandetanib is indicated for the treatment of symptomatic or progressive medullary thyroid cancer in patients with unresectable locally advanced or metastatic disease. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Vandetanib (U.S. Patent No. 7,173,038) from AstraZeneca AB, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 9, 2012, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Vandetanib represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Vandetanib is 4,009 days. Of this time, 3,735 days occurred during the testing phase of the regulatory review period, while 274 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* April 16, 2000. The applicant claims April 20, 2000, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was April 16, 2000, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* July 7, 2010. FDA has verified the applicant's claim that the new drug application (NDA) for VANDETANIB (NDA 22-405) was submitted on July 7, 2010.

3. *The date the application was approved:* April 6, 2011. FDA has verified the applicant's claim that NDA 22-405 was approved on April 6, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 898 days of patent term extension.