



March 5, 2021

Tivic Health Systems Inc.
Michael Nketiah, MBA, RAC
Vice President of Quality & Regulatory Affairs
750 Menlo Ave Suite 200
Menlo Park, CA 94025

Re: DEN200006

Trade/Device Name: ClearUP Sinus Relief

Regulation Number: 21 CFR 874.6000

Regulation Name: Transcutaneous electrical nerve stimulator for the relief of congestion

Regulatory Class: Class II

Product Code: QNU

Dated: February 6, 2020

Received: February 13, 2020

Dear Michael Nketiah:

The Center for Devices and Radiological Health (CDRH) of the Food and Drug Administration (FDA) has completed its review of your De Novo request for classification of the ClearUP Sinus Relief, an over-the-counter device under 21 CFR Part 801 Subpart C with the following indications for use:

ClearUP Sinus Relief device is a transcutaneous electrical nerve stimulator that electrically stimulates the skin overlying the paranasal sinuses and is intended to be used for the temporary relief of moderate to severe congestion. ClearUP Sinus Relief is a treatment to be used at home by individuals 18 and older.

FDA concludes that this device should be classified into Class II. This order, therefore, classifies the ClearUP Sinus Relief, and substantially equivalent devices of this generic type, into Class II under the generic name transcutaneous electrical nerve stimulator for the relief of congestion.

FDA identifies this generic type of device as:

Transcutaneous electrical nerve stimulator for the relief of congestion. A transcutaneous electrical nerve stimulator for the relief of congestion is a device that electrically stimulates the skin overlying the paranasal sinuses to relieve congestion.

Section 513(f)(2) of the Food, Drug and Cosmetic Act (the FD&C Act) was amended by section 607 of the Food and Drug Administration Safety and Innovation Act (FDASIA) on July 9, 2012. This law provides two options for De Novo classification. First, any person who receives a "not substantially equivalent" (NSE)

determination in response to a 510(k) for a device that has not been previously classified under the Act may request FDA to make a risk-based classification of the device under section 513(a)(1) of the Act. On December 13, 2016, the 21st Century Cures Act removed a requirement that a De Novo request be submitted within 30 days of receiving an NSE determination. Alternatively, any person who determines that there is no legally marketed device upon which to base a determination of substantial equivalence may request FDA to make a risk-based classification of the device under section 513(a)(1) of the Act without first submitting a 510(k). FDA shall, within 120 days of receiving such a request, classify the device. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the Federal Register announcing the classification.

On February 13, 2020, FDA received your De Novo requesting classification of the ClearUP Sinus Relief. The request was submitted under section 513(f)(2) of the FD&C Act. In order to classify the ClearUP Sinus Relief into class I or II, it is necessary that the proposed class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the De Novo request, FDA has determined that, for the previously stated indications for use, the ClearUP Sinus Relief can be classified in class II with the establishment of special controls for class II. FDA believes that class II (special) controls provide reasonable assurance of the safety and effectiveness of the device type. The identified risks and mitigation measures associated with the device type are summarized in the following table:

Table 1 – Identified Risks to Health and Mitigation Measures

Identified Risk	Mitigation Measures
Injury from electrical current on face causing one or more of the following: <ul style="list-style-type: none"> • Skin burn • Skin redness • Skin irritation • Facial muscle twitching • Electrical shock • Pain • Headache • Discomfort or muscle twitching of the eye 	Non-clinical performance testing Human factors testing Software verification, validation, and hazard analysis Electrical safety testing Electromagnetic compatibility testing Battery safety testing Labeling
Nerve and muscle injury	Non-clinical performance testing Electrical safety testing Software verification, validation, and hazard analysis
Ineffective treatment leading to worsening congestion	Labeling

In combination with the general controls of the FD&C Act, the transcutaneous electrical nerve stimulator for the relief of congestion is subject to the following special controls:

1. Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use, including electrical stimulation parameters that must be specified and verified.
2. Performance data must demonstrate the electromagnetic compatibility, battery safety, and electrical safety of the device.

3. Software verification, validation, and hazard analysis must be performed.
4. The patient-contacting components of the device must be demonstrated to be biocompatible.
5. Human factors testing must demonstrate that users can successfully use the device in the intended use environment based solely on its labeling and instructions for use.
6. Labeling must include the following:
 - a. Instructions for use, including images that demonstrate how to use the device;
 - b. Device specifications, including the number of channels, output waveform, stimulation peak voltage and current, pulse duration, frequency, maximum current density, maximum phase charge, and power source; and
 - c. Explanations of the user-interface components.

Although this letter refers to your product as a device, please be aware that some granted products may instead be combination products. If you have questions on whether your product is a combination product, contact CDRHProductJurisdiction@fda.hhs.gov.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device type. FDA has determined premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device type and, therefore, the device is not exempt from the premarket notification requirements of the FD&C Act. Thus, persons who intend to market this device type must submit a premarket notification containing information on the transcutaneous electrical nerve stimulation device for the relief of congestion they intend to market prior to marketing the device.

Please be advised that FDA's decision to grant this De Novo request does not mean that FDA has made a determination that your device complies with other requirements of the FD&C Act or any Federal statutes and regulations administered by other Federal agencies. You must comply with all the FD&C Act's requirements, including, but not limited to: registration and listing (21 CFR Part 807); labeling (21 CFR Part 801); medical device reporting (reporting of medical device-related adverse events) (21 CFR 803) for devices or postmarketing safety reporting (21 CFR 4, Subpart B) for combination products (see <https://www.fda.gov/combination-products/guidance-regulatory-information/postmarketing-safety-reporting-combination-products>); good manufacturing practice requirements as set forth in the quality systems (QS) regulation (21 CFR Part 820) for devices or current good manufacturing practices (21 CFR 4, Subpart A) for combination products; and if applicable, the electronic product radiation control provisions (Sections 531-542 of the FD&C Act); 21 CFR 1000-1050.

A notice announcing this classification order will be published in the Federal Register. A copy of this order and supporting documentation are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852 and are available for inspection between 9 a.m. and 4 p.m., Monday through Friday.

As a result of this order, you may immediately market your device as described in the De Novo request, subject to the general control provisions of the FD&C Act and the special controls identified in this order.

For comprehensive regulatory information about medical devices and radiation-emitting products, please see Device Advice (<https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance>) and CDRH Learn (<https://www.fda.gov/training-and-continuing-education/cdrh-learn>). Additionally, you may contact the Division of Industry and Consumer Education (DICE) to ask a question about a specific regulatory topic. See the DICE website (<https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/contact-us-division-industry-and-consumer-education-dice>) for more information or contact DICE by email (DICE@fda.hhs.gov) or phone (1-800-638-2041 or 301-796-7100).

If you have any questions concerning the contents of the letter, please contact Jong Ho Won at 240-402-6592.

Sincerely,

for Malvina B. Eydelman, M.D.

Director

OHT1: Office of Ophthalmic, Anesthesia,

Respiratory, ENT and Dental Devices

Office of Product Evaluation and Quality

Center for Devices and Radiological Health