

BIOMARIN PHARMACEUTICAL INC  
Form POS AM  
March 03, 2004

As filed with the Securities and Exchange Commission on March 3, 2004

Registration No. 333-72866

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## SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

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POST EFFECTIVE AMENDMENT NO. 1 TO

FORM S-3

REGISTRATION STATEMENT

UNDER

THE SECURITIES ACT OF 1933

### BioMarin Pharmaceutical Inc.

(Exact name of registrant as specified in its charter)

Delaware

68-0397820

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

371 Bel Marin Keys Boulevard, Suite 210

Novato, California 94949

(415) 506-6700

(Address, including zip code, and telephone number, including area code, of registrant's principal executive offices)

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Louis Drapeau

Vice President Finance, Secretary and Chief Financial Officer

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**BioMarin Pharmaceutical Inc.**

**371 Bel Marin Keys Boulevard, Suite 210**

**Novato, California 94949**

**(415) 506-6700**

(Name, address, including zip code, and telephone number, including area code, of agent for service)

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**Copy to:**

**Siobhan McBreen Burke**

**Paul, Hastings, Janofsky & Walker LLP**

**515 South Flower Street, 25th Floor**

**Los Angeles, California 90071-2228**

**(213) 683-6000**

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Approximate date of commencement of proposed sale to the public: Not applicable.

If the only securities being registered on this form are being offered pursuant to dividend or interest reinvestment plans, please check the following box. "

If any of the securities being registered on this form are to be offered on a delayed or continuous basis pursuant to Rule 415 under the Securities Act of 1933, other than securities offered only in connection with dividend or interest reinvestment plans, check the following box. "

If this form is filed to register additional securities for an offering pursuant to Rule 462(b) under the Securities Act, please check the following box and list the Securities Act registration statement number of the earlier effective registration statement for the same offering. "

If this form is a post-effective amendment filed pursuant to Rule 462(c) under the Securities Act, check the following box and list the Securities Act registration statement number of the earlier effective registration statement for the same offering. "

If delivery of the prospectus is expected to be made pursuant to Rule 434 under the Securities Act, please check the following box. "

**REMOVAL OF SECURITIES FROM REGISTRATION**

We previously registered for resale, pursuant to the Registration Statement on Form S-3, as amended (Registration No. 333-72866), (the Registration Statement ), 814,647 shares of our common stock, par value \$0.001 per share, to be offered by the selling stockholders named in the Registration Statement. By filing this Post-Effective Amendment to the Registration Statement, we hereby remove from registration all of the shares of common stock registered pursuant to the Registration Statement that remain unsold as of the date hereof. The Registration Statement is hereby amended, as appropriate, to reflect the deregistration of such shares.

## SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the Registrant certifies that it has reasonable grounds to believe that it meets all of the requirements for filing on Form S-3 and has duly caused this Post Effective Amendment No. 1 to Registration Statement on form S-3 to be signed on its behalf by the undersigned, thereunto duly authorized in the City of Novato, State of California, this 3rd day of March 2004.

## BIOMARIN PHARMACEUTICAL INC.

By: /s/ LOUIS DRAPEAU

**Louis Drapeau**  
**Vice President Finance, Secretary and,**  
**Chief Financial Officer**

Pursuant to the requirements of the Securities Act of 1933, this Post effective Amendment No. 1 to Registration Statement on Form S-3 has been signed by the following persons in the capacities and on the dates indicated:

| <u>Signature</u>              | <u>Title</u>                                                                                           | <u>Date</u>   |
|-------------------------------|--------------------------------------------------------------------------------------------------------|---------------|
| <u>/s/ FREDRIC D. PRICE</u>   |                                                                                                        |               |
| <b>Fredric D. Price</b>       | Chairman, Chief Executive Officer and Director<br>(Principal Executive Officer)                        | March 3, 2004 |
| <u>/s/ LOUIS DRAPEAU</u>      |                                                                                                        |               |
| <b>Louis Drapeau</b>          | Vice President, Finance and Chief Financial<br>Officer (Principal Financial and Accounting<br>Officer) | March 3, 2004 |
| <u>/s/ FRANZ L. CRISTIANI</u> |                                                                                                        |               |
| <b>Franz L. Cristiani</b>     | Director                                                                                               | March 3, 2004 |
| <u>/s/ ELAINE HERON</u>       |                                                                                                        |               |
| <b>Elaine Heron, PhD</b>      | Director                                                                                               | March 3, 2004 |
| <u>*</u>                      |                                                                                                        |               |
| <b>Erich Sager</b>            | Director                                                                                               | March 3, 2004 |
| <u>*</u>                      |                                                                                                        |               |
| <b>Gwynn R. Williams</b>      | Director                                                                                               | March 3, 2004 |

\*By: /s/ FREDRIC D. PRICE

**Fredric D. Price**

**Attorney-in-fact**