

BIOMARIN PHARMACEUTICAL INC  
Form POS AM  
September 27, 2005

As filed with the Securities and Exchange Commission on September 27, 2005

Registration No. 333-102066

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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*

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### **BioMarin Pharmaceutical Inc.**

(Exact name of registrant as specified in its charter)

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**Delaware**  
(State or other jurisdiction of  
incorporation or organization)

**68-0397820**  
(I.R.S. Employer  
Identification No.)

**105 Digital Drive**  
**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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**G. Eric Davis**

**Vice President, Corporate Counsel**

**BioMarin Pharmaceutical Inc.**

**105 Digital Drive**

**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. "

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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. "

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**REMOVAL OF SECURITIES FROM REGISTRATION**

We previously registered, pursuant to the Registration Statement on Form S-3 (Registration No. 333-102066), (the Registration Statement ), as amended, common stock, par value \$0.001 per share, with an aggregate public offering price not to exceed \$150,000,000, to be offered from time to time in amounts, at prices, and on terms to be determined at the time of the offering. 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 27<sup>th</sup> day of September 2005.

BIOMARIN PHARMACEUTICAL INC.

By: /s/ G. Eric Davis

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 G. Eric Davis  
 Vice President, Secretary and Corporate

Counsel

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>
_____ /s/ Jean-Jacques Bienaimé	Chief Executive Officer and Director	September 27, 2005
Jean-Jacques Bienaimé	(Principal Executive Officer)	
_____ /s/ Jeffrey H. Cooper	Vice President and Chief Financial Officer	September 27, 2005
Jeffrey H. Cooper	(Principal Financial and Accounting Officer)	
_____ /s/ Franz L. Cristiani	Director	September 27, 2005
Franz L. Cristiani		
_____ /s/ Elaine Heron	Director	September 27, 2005
Elaine Heron, PhD		
_____ /s/ Joseph Klein, III	Director	September 27, 2005
Joseph Klein, III		
_____ /s/ Pierre Lapalme	Director	September 27, 2005
Pierre Lapalme		
_____ /s/ Alan J. Lewis	Director	September 27, 2005
Alan J. Lewis		

/s/ Erich Sager

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Director

September 27, 2005

Erich Sager