

BIOMARIN PHARMACEUTICAL INC  
Form 8-K  
February 21, 2003

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**SECURITIES AND EXCHANGE COMMISSION**

**Washington, D.C. 20549**

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**FORM 8-K**

**CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported): February 21, 2003

**BioMarin Pharmaceutical Inc.**

(Exact name of registrant as specified in its charter)

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

**000-26727**  
(Commission File Number)

**68-0397820**  
(IRS Employer Identification No.)

or organization)

**371 Bel Marin Keys Boulevard, Suite 210, Novato, California**  
(Address of principal executive offices)

**94949**  
(Zip Code)

Registrant's telephone number, including area code: **(415) 884-6700**

**Not Applicable**

(Former name or former address, if changed since last report)

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**Item 5. Other Events.**

On February 21, 2003, BioMarin Pharmaceutical Inc. (the Registrant) announced that it priced its previously announced public offering of common stock. In the offering, the Registrant is selling 7,500,000 shares at a price to the public of \$10.00 per share, or a total offering price of \$75.0 million. The net proceeds to the Registrant are expected to be approximately \$70.1 million. The Registrant's press release related to the pricing of the offering issued on February 21, 2003 is attached hereto as Exhibit 99.1.

In order to furnish certain exhibits for incorporation by reference into the registration statement related to the offering, the Registrant is filing the Underwriting Agreement, the consent of the Registrant's independent accountants, KPMG LLP, and the opinion of the Registrant's counsel regarding the validity of the shares to be sold in the offering.

**Item 7. Financial Statements, Pro Forma Financial Statements and Exhibits.**

- (a) Financial Statements of Business Acquired.

Not Applicable

- (b) Pro Forma Financial Information.

Not Applicable.

- (c) Exhibits.

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|--------------|--|
| Exhibit 1.1  | Underwriting Agreement dated February 21, 2003 by and among BioMarin Pharmaceutical Inc. and UBS Warburg LLC, CIBC World Markets Corp. and SG Cowen Securities Corporation |
| Exhibit 5.1  | Opinion of Paul, Hastings, Janofsky & Walker LLP   |
| Exhibit 23.1 | Consent of Paul, Hastings, Janofsky & Walker LLP (Included with Exhibit 5.1)   |
| Exhibit 23.2 | Consent of KPMG LLP  |
| Exhibit 99.1 | Press Release of the Registrant dated February 21, 2003  |

**SIGNATURE**

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

BioMarin Pharmaceutical Inc.,

a Delaware corporation

Date: February 21, 2003

By:

/s/ LOUIS DRAPEAU

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Louis Drapeau

Chief Financial Officer

**EXHIBIT INDEX**

| <u>Exhibit No.</u> | <u>Description</u>   |
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