

BIOMARIN PHARMACEUTICAL INC
Form POS AM
July 22, 2004

As filed with the Securities and Exchange Commission on July 22, 2004

Registration No. 333-61322

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

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
(State or other jurisdiction of
incorporation or organization)

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

371 Bel Marin Keys Boulevard, Suite 210

Novato, California 94949

(415) 506-6700

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

Louis Drapeau

Vice President Finance, Secretary and Chief Financial Officer

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)

Copy to:

Siobhan McBreen Burke

Paul, Hastings, Janofsky & Walker LLP

515 South Flower Street, 25th Floor

Los Angeles, California 90071-2228

(213) 683-6000

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. "

REMOVAL OF SECURITIES FROM REGISTRATION

We previously registered for resale, pursuant to the Registration Statement on Form S-3, as amended (Registration No. 333-61322), (the Registration Statement), 5,621,960 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 21st day of July 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>
/s/ Fredric D. Price _____ Fredric D. Price	Chairman, Chief Executive Officer and Director (Principal Executive Officer)	July 21, 2004
/s/ Louis Drapeau _____ Louis Drapeau	Vice President, Finance and Chief Financial Officer (Principal Financial and Accounting Officer)	July 21, 2004
/s/ Franz L. Cristiani _____ Franz L. Cristiani	Director	July 21, 2004
/s/ Elaine Heron _____ Elaine Heron, PhD	Director	July 21, 2004
* _____ Erich Sager	Director	July 21, 2004
* _____ Gwynn R. Williams	Director	July 21, 2004

* By: /s/ Fredric D. Price

 Fredric D. Price

Attorney-in-fact