

BIOMARIN PHARMACEUTICAL INC
Form 8-K
October 28, 2008

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

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): October 28, 2008

BioMarin Pharmaceutical Inc.

(Exact name of registrant as specified in its charter)

Delaware
(State or other jurisdiction of
incorporation or organization)

000-26727
(Commission
File Number)

68-0397820
(IRS Employer
Identification No.)

105 Digital Drive, Novato, California
(Address of principal executive offices)

94949
(Zip Code)

Registrant's telephone number, including area code: (415) 506-6700

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

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

.. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)

.. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

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- “ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- “ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 2.02. Results of Operations and Financial Condition.

On October 28, 2008, BioMarin Pharmaceutical Inc. (the Company) announced financial results for its third quarter and nine months ended September 30, 2008. The Company's press release issued on October 28, 2008 is attached hereto as Exhibit 99.1 and is incorporated by reference herein.

In its press release, the Company included net income for the third quarter and nine months ended September 30, 2008 and an estimate of net income for the year ending December 31, 2008, each not determined in accordance with U.S. Generally Accepted Accounting Principles (GAAP). The non-GAAP financial measures excluded the non-cash stock compensation expense for the third quarter and nine months ended September 30, 2008 and management's estimate of non-cash stock compensation expense for 2008. Reconciliations for such non-GAAP financial measures to the comparable GAAP financial measures are included in the press release attached hereto as Exhibit 99.1. Management believes this non-GAAP information is useful for investors taken in conjunction with the Company's GAAP net income for the third quarter and nine months ended September 30, 2008 and net income guidance for 2008 because management uses such information internally for its operating, budgeting and financial planning purposes, and to enhance investors' overall understanding of the Company's prospects for the future. Non-GAAP information is not prepared under a comprehensive set of accounting rules and should only be used to supplement an understanding of the Company's performance in the third quarter and nine months ended September 30, 2008 and the Company's 2008 financial guidance as reported under GAAP.

Item 9.01. Financial Statements and Exhibits.

(a) Financial Statements of Business Acquired.
Not Applicable.

(b) Pro Forma Financial Information.
Not Applicable.

(c) Shell Company Transactions.
Not Applicable.

(d) Exhibits.

Exhibit 99.1 Press Release of the Company dated October 28, 2008.

SIGNATURES

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
(Registrant)

Date October 28, 2008

/s/ Eric Davis
Eric Davis
Vice President, General Counsel

EXHIBIT INDEX

| Exhibit No. | Description |
|--------------------|---|
| Exhibit 99.1 | Press Release of the Registrant dated October 28, 2008. |