

BIOMARIN PHARMACEUTICAL INC

Form 8-K

February 21, 2013

## 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): February 21, 2013

### 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.)

**770 Lindero Street, San Rafael, California**  
(Address of principal executive offices)

**94901**  
(Zip Code)

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**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)
- 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 February 21, 2013, BioMarin Pharmaceutical Inc. (the Company) announced financial results for its fourth quarter and year ended December 31, 2012. The Company's press release issued on February 21, 2013 is attached hereto as Exhibit 99.1 and is incorporated by reference herein.

In its press release the Company included net loss for the three months and full year ended December 31, 2012 and December 31, 2011 and financial guidance for the year ending December 31, 2013, both as determined in accordance with U.S. Generally Accepted Accounting Principles (GAAP) and on a non-GAAP basis. In the press release, the non-GAAP income presented is based on GAAP Earnings Before Interest, Taxes, Depreciation and Amortization (EBITDA) and further adjusted to also exclude certain non-cash stock compensation expense, non-cash contingent consideration expense and certain other nonrecurring material items (Non-GAAP Adjusted EBITDA). The reconciliation of the non-GAAP financial measures to the comparable GAAP financial measures are included in the press release attached hereto as Exhibit 99.1.

The Company believes this non-GAAP information is useful to investors, taken in conjunction with the Company's GAAP information because it provides additional information regarding the performance of the Company's core ongoing business, Naglazyme, Kuvan, Aldurazyme and Firdapse and development of its pipeline. By providing information about both the overall GAAP financial performance and the non-GAAP measures that focus on continuing operations, the Company believes that the additional information enhances investors' overall understanding of the Company's business and prospects for the future. Further, the Company uses both GAAP and non-GAAP results and expectations internally for its operating, budgeting and financial planning purposes.

**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 February 21, 2013.

**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, 2013

By: /s/ G. Eric Davis  
G. Eric Davis  
Senior Vice President, General Counsel & Secretary

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