

BIOMARIN PHARMACEUTICAL INC
Form 8-K
February 28, 2006

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 22, 2006

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)
- ☐ 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 1.01 Entry into a Material Definitive Agreement

On February 23, 2006, the Company entered into an amendment to the Purchase and Sale Agreement and Joint Escrow Instructions (the Purchase Agreement) with Wirrulla Novato LLC dated January 24, 2006. The amendment extends the contingency period and the closing of the purchase of 46 Galli Drive by sixty (60) days. The Purchase Agreement remains subject to customary conditions, including obtaining suitable financing and approval of the Board of Directors. Assuming satisfaction of the conditions, the transaction is expected to close in early May.

Item 8.01 Other Events

Effective today, February 28, 2006, Mr. Erich Sager elected to resign from his position as director on the Company's board of directors to pursue other opportunities.

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 28, 2006

By: /s/ G. Eric Davis
G. Eric Davis
Vice President, Corporate Counsel