

BIENAIME JEAN JACQUES

Form 5

February 14, 2013

FORM 5

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).
 Form 3 Holdings Reported Form 4 Transactions Reported

ANNUAL STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

1. Name and Address of Reporting Person *
BIENAIME JEAN JACQUES

2. Issuer Name and Ticker or Trading Symbol
BIOMARIN PHARMACEUTICAL INC [BMRN]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

3. Statement for Issuer's Fiscal Year Ended (Month/Day/Year)
 05/12/2012

Director 10% Owner
 Officer (give title below) Other (specify below)
 Chief Business Officer

C/O BIOMARIN PHARMACEUTICAL INC., 105 DIGITAL DRIVE

(Street)

4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Reporting

(check applicable line)

NOVATO, CA 94949

Form Filed by One Reporting Person
 Form Filed by More than One Reporting Person

(City) (State) (Zip)

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned at end of Issuer's Fiscal Year (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|--|--|-----------------------------------|
| Common Stock | 05/12/2012 | ^ | F4 | (A) Amount 7,820 (1) D \$ 38 | 149,446 | D | ^ |
| Common Stock | 10/23/2012 | ^ | G4 | (A) Amount 13,545 (2) D \$ 0 | 135,901 | D | ^ |
| Common Stock | 10/23/2012 | ^ | G4 | (A) Amount 13,545 (2) A \$ 0 | 13,545 | I | Shares held by Family |

Trust

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

SEC 2270
(9-02)

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned
(e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any (Month/Day/Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | | 6. Date Exercisable and Expiration Date (Month/Day/Year) | | 7. Title and Underlying Security (Instr. 3 and 4) |
|--|--|--------------------------------------|--|--------------------------------|---|---------|--|-----------------|---|
| | | | | | (A) | (D) | Date Exercisable | Expiration Date | |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | Â | 10,000 | Â (4)(3) | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | Â | 10,000 | Â (4)(3) | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | Â | 10,000 | Â (4)(3) | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | Â | 10,000 | Â (4)(3) | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | Â | 20,000 | Â (4)(3) | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 6.46 | 10/23/2012 | Â | G | Â | 45,764 | Â (4) | 05/10/2015 | Common Stock |
| Employee Stock Option | \$ 9.86 | 10/23/2012 | Â | G | Â | 9,500 | Â (4) | 11/10/2015 | Common Stock |
| Employee Stock Option | \$ 12.99 | 10/23/2012 | Â | G | Â | 352,500 | Â (4) | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 17.54 | 10/23/2012 | Â | G | Â | 250,000 | Â (4) | 11/19/2016 | Common Stock |
| Employee Stock | \$ 17.33 | 10/23/2012 | Â | G | Â | 160,000 | Â (4) | 06/06/2017 | Common Stock |

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| | | | | | | | | | | |
|-----------------------|----------|------------|---|---|--------|---------|-----------------|------------|--------------|--|
| Option | | | | | | | | | | |
| Employee Stock Option | \$ 38.59 | 10/23/2012 | Â | G | Â | 425,000 | Â <u>(4)</u> | 05/21/2018 | Common Stock | |
| Employee Stock Option | \$ 17.86 | 10/23/2012 | Â | G | Â | 22,000 | Â <u>(5)</u> | 12/16/2018 | Common Stock | |
| Employee Stock Option | \$ 14.39 | 10/23/2012 | Â | G | Â | 240,000 | Â <u>(6)</u> | 05/11/2019 | Common Stock | |
| Employee Stock Option | \$ 21.51 | 10/23/2012 | Â | G | Â | 280,000 | Â <u>(7)</u> | 05/11/2020 | Common Stock | |
| Employee Stock Option | \$ 26.49 | 10/23/2012 | Â | G | Â | 280,000 | Â <u>(8)</u> | 05/11/2021 | Common Stock | |
| Employee Stock Option | \$ 37.46 | 10/23/2012 | Â | G | Â | 140,000 | Â <u>(9)</u> | 05/07/2022 | Common Stock | |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | 10,000 | Â | Â <u>(4)(3)</u> | 05/10/2016 | Common Stock | |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | 10,000 | Â | Â <u>(4)(3)</u> | 05/10/2016 | Common Stock | |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | 10,000 | Â | Â <u>(3)</u> | 05/10/2016 | Common Stock | |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | 10,000 | Â | Â <u>(4)(3)</u> | 05/10/2016 | Common Stock | |
| Employee Stock Option | \$ 12.99 | 10/19/2012 | Â | G | 20,000 | Â | Â <u>(4)(3)</u> | 05/10/2016 | Common Stock | |

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| | | | | | | | | | |
|-----------------------|----------|------------|---|---|---------|---|--------------|------------|--------------|
| Employee Stock Option | \$ 6.46 | 10/23/2012 | Â | G | 45,764 | Â | Â <u>(4)</u> | 05/10/2015 | Common Stock |
| Employee Stock Option | \$ 9.86 | 10/23/2012 | Â | G | 9,500 | Â | Â <u>(4)</u> | 11/10/2015 | Common Stock |
| Employee Stock Optio | \$ 12.99 | 10/23/2012 | Â | G | 352,500 | Â | Â <u>(4)</u> | 05/10/2016 | Common Stock |
| Employee Stock Option | \$ 17.54 | 10/23/2012 | Â | G | 250,000 | Â | Â <u>(4)</u> | 11/19/2016 | Common Stock |
| Employee Stock Option | \$ 17.33 | 10/23/2012 | Â | G | 160,000 | Â | Â <u>(4)</u> | 06/06/2017 | Common Stock |
| Employee Stock Option | \$ 38.59 | 10/23/2012 | Â | G | 425,000 | Â | Â <u>(4)</u> | 05/21/2018 | Common Stock |
| Employee Stock Option | \$ 17.86 | 10/23/2012 | Â | G | 22,000 | Â | Â <u>(5)</u> | 12/16/2018 | Common Stock |
| Employee Stock Option | \$ 14.39 | 10/23/2012 | Â | G | 240,000 | Â | Â <u>(6)</u> | 05/11/2019 | Common Stock |
| Employee Stock Option | \$ 21.51 | 10/23/2012 | Â | G | 280,000 | Â | Â <u>(7)</u> | 05/11/2020 | Common Stock |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|--|---------------|-----------|--------------------------------|-------|
| | Director | 10% Owner | Officer | Other |
| BIENAIME JEAN JACQUES C/O BIOMARIN PHARMACEUTICAL INC. 105 DIGITAL DRIVE NOVATO, CA 94949 | X | A | A Chief Business Officer | A |

Signatures

/s/ Laura Woodhead,
Attorney-in-Fact

02/14/2013

__Signature of Reporting Person

Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) On May 12, 2012 the reporting person had 16,750 restricted stock units from prior grants vest of which 7,820 shares were withheld for the payment of taxes.
- (2) On October 23, 2012 the reporting person gifted 13,545 shares of common stock to a family trust. The reporting person and his spouse are trustees.
- (3) On October 19, 2012 the reporting person gifted shares to his children's trusts in the amount listed. The reporting person's spouse is the trustee of each child's trust.
- (4) This stock option is fully vested and therefore is currently exercisable for 100% of shares.
- (5) The option was granted on 12/17/08. It vested 6/48 six months after grant, and vests 1/48 each month thereafter.
- (6) The option was granted on 5/12/09. It vested 6/48 six months after grant, and vests 1/48 each month thereafter.
- (7) The option was granted on 5/12/10. It vested 6/48 six months after grant, and vests 1/48 each month thereafter.
- (8) The option was granted on 5/12/11. It vested 6/48 six months after grant, and vests 1/48 each month thereafter.
- (9) The option was granted on 5/8/12. It vested 6/48 six months after grant, and vests 1/48 each month thereafter.
- (10) Stock option exercises completed by reporting person between October 24, 2012 to December 31, 2012 were inadvertently reported on Form 4s as transactions for the reporting person's direct holdings and should have been reported as transactions for the reporting person's indirect holding in Bienaime Family trust following the October 23, 2012 gift of all outstanding stock options held directly to the Bienaime Family Trust.

Note: File three copies of this Form, one of which must be manually signed. If space provided is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.