

Edgar Filing: BIOMET INC - Form 10-Q

BIOMET INC  
Form 10-Q  
April 12, 2002

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

FORM 10-Q

(Mark One)

QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934

For the quarterly period ended February 28, 2002.

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934

For the transition period from \_\_\_\_\_ to \_\_\_\_\_.

Commission file Number 0-12515.

BIOMET, INC.  
(Exact name of registrant as specified in its charter)

Indiana  
(State or other jurisdiction of  
incorporation or organization)

35-1418342  
(I.R.S. Employer  
Identification No.)

56 East Bell Drive, Warsaw, Indiana 46582  
(Address of principal executive offices)

(219) 267-6639  
(Registrant's telephone number, including area code)

Indicate by check mark whether the registrant (1) has filed all reports  
required to be filed by Section 13 or 15(d) of the Securities Exchange Act of  
1934 during the preceding 12 months (or for such shorter period that the  
registrant was required to file such reports), and (2) has been subject to such  
filing requirements for the past 90 days. Yes X No

As of February 28, 2002, the registrant had 267,986,633 common shares  
outstanding.

BIOMET, INC.

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### PART I. FINANCIAL INFORMATION

#### ITEM 1. FINANCIAL STATEMENTS

##### BIOMET, INC. AND SUBSIDIARIES

CONSOLIDATED BALANCE SHEETS  
at February 28, 2002 and May 31, 2001  
(in thousands)

##### ASSETS

|   | February 28,<br>2002 | May 31,<br>2001 |
|---|----------------------|-----------------|
|   | -----                | -----           |
|   | (Unaudited)          |                 |
| Current assets:   |                      |                 |
| Cash and cash equivalents   | \$ 235,698           | \$ 235,091      |
| Investments   | 42,675               | 52,627          |
| Accounts and notes receivable, net                                      | 335,990              | 324,848         |
| Inventories   | 318,975              | 277,601         |
| Deferred income taxes   | 44,985               | 48,982          |
| Prepaid expenses and other  | 23,069               | 29,230          |
|   | -----                | -----           |
| Total current assets  | 1,001,392            | 968,379         |
|   | -----                | -----           |
| Property, plant and equipment, at cost                                  | 373,472              | 325,890         |
| Less, Accumulated depreciation  | 161,670              | 140,139         |
|   | -----                | -----           |
| Property, plant and equipment, net                                      | 211,802              | 185,751         |
|   | -----                | -----           |
| Investments   | 210,431              | 175,430         |
| Intangible assets, net  | 7,775                | 8,848           |
| Excess acquisition costs over fair value<br>of acquired net assets, net | 126,704              | 134,835         |
| Other assets  | 18,078               | 16,068          |
|   | -----                | -----           |
| Total assets  | \$1,576,182          | \$1,489,311     |
|   | =====                | =====           |

The accompanying notes are a part of the consolidated financial statements.

##### BIOMET, INC. AND SUBSIDIARIES

##### CONSOLIDATED BALANCE SHEETS

## Edgar Filing: BIOMET INC - Form 10-Q

at February 28, 2002 and May 31, 2001  
(in thousands)

### LIABILITIES AND SHAREHOLDERS' EQUITY

|  | February 28,<br>2002 | May 31,<br>2001 |
|--|----------------------|-----------------|
|  | -----                | -----           |
|  | (Unaudited)          |                 |
| Current liabilities:                       |                      |                 |
| Short-term borrowings                      | \$ 76,815            | \$ 62,734       |
| Accounts payable                           | 32,708               | 21,008          |
| Accrued income taxes                       | 21,725               | 31,085          |
| Accrued wages and commissions              | 31,047               | 33,030          |
| Accrued litigation                         | 5,864                | 26,100          |
| Other accrued expenses                     | 66,458               | 67,865          |
|  | -----                | -----           |
| Total current liabilities                  | 234,617              | 241,822         |
| Long-term liabilities:                     |                      |                 |
| Deferred federal income taxes              | 5,836                | 5,783           |
| Other liabilities                          | 403                  | 423             |
|  | -----                | -----           |
| Total liabilities                          | 240,856              | 248,028         |
|  | -----                | -----           |
| Minority interest                          | 100,627              | 95,097          |
|  | -----                | -----           |
| Contingencies (Note 7)                     |                      |                 |
| Shareholders' equity:                      |                      |                 |
| Common shares                              | 121,562              | 108,918         |
| Additional paid-in capital                 | 48,235               | 48,732          |
| Retained earnings                          | 1,124,969            | 1,044,564       |
| Accumulated other comprehensive loss       | (60,067)             | (56,028)        |
|  | -----                | -----           |
| Total shareholders' equity                 | 1,234,699            | 1,146,186       |
|  | -----                | -----           |
| Total liabilities and shareholders' equity | \$1,576,182          | \$1,489,311     |
|  | =====                | =====           |

The accompanying notes are a part of the consolidated financial statements.

### BIOMET, INC. AND SUBSIDIARIES

#### CONSOLIDATED STATEMENTS OF INCOME

for the nine and three months ended February 28, 2002 and 2001  
(Unaudited, in thousands, except per share amounts)

|   | Nine Months Ended |           | Three Months Ended |           |
|---|-------------------|-----------|--------------------|-----------|
|   | February 28,      |           | February 28,       |           |
|   | 2002              | 2001      | 2002               | 2001      |
|   | -----             | -----     | -----              | -----     |
| Net sales                                       | \$866,018         | \$742,657 | \$304,609          | \$267,163 |
| Cost of sales                                   | 241,664           | 214,236   | 85,238             | 75,042    |
|   | -----             | -----     | -----              | -----     |
| Gross profit                                    | 624,354           | 528,421   | 219,371            | 192,121   |
| Selling, general and<br>administrative expenses | 320,846           | 293,189   | 112,851            | 123,075   |

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|   |           |           |           |           |
|---|-----------|-----------|-----------|-----------|
| Research and development expense                      | 35,845    | 31,533    | 12,190    | 11,374    |
|   | -----     | -----     | -----     | -----     |
| Operating income                                      | 267,663   | 203,699   | 94,330    | 57,672    |
| Other income, net                                     | 11,807    | 14,107    | 2,872     | 3,926     |
|   | -----     | -----     | -----     | -----     |
| Income before income taxes<br>and minority interest   | 279,470   | 217,806   | 97,202    | 61,598    |
| Provision for income taxes                            | 94,800    | 74,624    | 32,924    | 21,112    |
|   | -----     | -----     | -----     | -----     |
| Income before minority interest                       | 184,670   | 143,182   | 64,278    | 40,486    |
| Minority interest                                     | 5,531     | 4,752     | 2,604     | 2,281     |
|   | -----     | -----     | -----     | -----     |
| Net income  | \$179,139 | \$138,430 | \$ 61,674 | \$ 38,205 |
|   | =====     | =====     | =====     | =====     |
| Earnings per share:                                   |           |           |           |           |
| Basic   | \$ .66    | \$ .52    | \$ .23    | \$ .14    |
|   | =====     | =====     | =====     | =====     |
| Diluted   | \$ .66    | \$ .51    | \$ .23    | \$ .14    |
|   | =====     | =====     | =====     | =====     |
| Shares used in the computation of earnings per share: |           |           |           |           |
| Basic   | 269,554   | 267,633   | 269,388   | 268,245   |
|   | =====     | =====     | =====     | =====     |
| Diluted   | 272,543   | 270,561   | 272,265   | 271,530   |
|   | =====     | =====     | =====     | =====     |
| Cash dividends per common share                       | \$ .09    | \$ .07    | \$ --     | \$ --     |
|   | =====     | =====     | =====     | =====     |

The accompanying notes are a part of the consolidated financial statements.

BIOMET, INC. AND SUBSIDIARIES  
CONSOLIDATED STATEMENTS OF CASH FLOWS  
for the nine months ended February 28, 2002 and 2001  
(Unaudited, in thousands)

|  | 2002      | 2001      |
|--|-----------|-----------|
|  | ----      | ----      |
| Cash flows from (used in) operating activities:                                  |           |           |
| Net income   | \$179,139 | \$138,430 |
| Adjustments to reconcile net income to<br>net cash from operating activities:    |           |           |
| Depreciation   | 25,509    | 22,704    |
| Amortization   | 9,087     | 9,094     |
| Gain on sale of investments, net   | (300)     | (1,783)   |
| Minority interest  | 5,531     | 4,752     |
| Deferred federal income taxes  | 4,050     | (583)     |
| Changes in current assets and liabilities,<br>excluding effects of acquisitions: |           |           |
| Accounts and notes receivable, net   | (13,421)  | (29,348)  |
| Inventories  | (40,138)  | (26,704)  |
| Prepaid expenses and other   | 4,642     | (11,323)  |
| Accounts payable   | 10,441    | (5,478)   |
| Accrued income taxes   | (9,712)   | (5,943)   |
| Accrued wages and commissions  | (1,726)   | 4,179     |
| Other accrued expenses   | (27,334)  | 33,224    |
|  | -----     | -----     |
| Net cash from operating activities   | 145,768   | 131,221   |
|  | -----     | -----     |
| Cash flows from (used in) investing activities:                                  |           |           |
| Proceeds from sales and maturities of investments                                | 87,728    | 41,481    |

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|   |           |           |
|---|-----------|-----------|
| Purchases of investments                          | (111,496) | (54,177)  |
| Capital expenditures                              | (45,142)  | (25,255)  |
| Acquisitions, net of cash acquired                | (6,735)   | (90,602)  |
| Other   | (885)     | (2,766)   |
|   | -----     | -----     |
| Net cash used in investing activities             | (76,530)  | (131,319) |
|   | -----     | -----     |
| Cash flows from (used in) financing activities:   |           |           |
| Increase (decrease) in short-term borrowings, net | 18,012    | (12,788)  |
| Issuance of common shares                         | 13,896    | 16,471    |
| Cash dividends                                    | (24,268)  | (18,993)  |
| Purchase of common shares                         | (76,215)  | --        |
|   | -----     | -----     |
| Net cash used in financing activities             | (68,575)  | (15,310)  |
|   | -----     | -----     |
| Effect of exchange rate changes on cash           | (56)      | 4,975     |
|   | -----     | -----     |
| Increase (decrease) in cash and cash equivalents  | 607       | (10,433)  |
| Cash and cash equivalents, beginning of year      | 235,091   | 213,606   |
|   | -----     | -----     |
| Cash and cash equivalents, end of period          | \$235,698 | \$203,173 |
|   | =====     | =====     |

The accompanying notes are a part of the consolidated financial statements.

BIOMET, INC. AND SUBSIDIARIES

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

NOTE 1: BASIS OF PRESENTATION.

The accompanying consolidated financial statements include the accounts of Biomet, Inc. and its subsidiaries (individually and collectively referred to as the "Company"). The unaudited consolidated financial statements have been prepared in accordance with generally accepted accounting principles for interim financial information and with the instructions to Form 10-Q and Rule 10-01 of Regulation S-X. Accordingly, they do not include all of the information and notes required by generally accepted accounting principles for complete financial statements. In the opinion of management, all adjustments (consisting of normal recurring accruals) considered necessary for a fair presentation have been included. Operating results for the nine-month period ended February 28, 2002 are not necessarily indicative of the results that may be expected for the fiscal year ending May 31, 2002. For further information, refer to the consolidated financial statements and notes thereto included in the Company's Annual Report on Form 10-K for the fiscal year ended May 31, 2001.

The accompanying consolidated balance sheet at May 31, 2001, has been derived from the audited Consolidated Financial Statements at that date, but does not include all disclosures required by generally accepted accounting principles.

The Company operates in one business segment, musculoskeletal products, which includes the designing, manufacturing and marketing of reconstructive products, fixation devices, spinal products and other products. Other products consist primarily of Arthrotek's arthroscopy products, EBI's softgoods and bracing products, general instruments and operating room supplies. The Company manages its business segment primarily on a geographic basis. These geographic markets are comprised of the United States, Europe and other. Other geographic markets include Canada, South America, Mexico, Japan and the Pacific Rim.

Net sales of musculoskeletal products by product category are as follows for the nine and three months ended February 28:

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|                 | Nine Months Ended<br>February 28, |           | Three Months Ended<br>February 28, |           |
|-----------------|-----------------------------------|-----------|------------------------------------|-----------|
|                 | 2002                              | 2001      | 2002                               | 2001      |
|                 | -----                             | -----     | -----                              | -----     |
|                 | (in thousands)                    |           |                                    |           |
| Reconstructive  | \$520,831                         | \$446,548 | \$184,765                          | \$158,655 |
| Fixation        | 160,430                           | 147,304   | 53,548                             | 52,549    |
| Spinal products | 89,609                            | 62,230    | 32,458                             | 26,429    |
| Other           | 95,148                            | 86,575    | 33,838                             | 29,530    |
|                 | -----                             | -----     | -----                              | -----     |
|                 | \$866,018                         | \$742,657 | \$304,609                          | \$267,163 |
|                 | =====                             | =====     | =====                              | =====     |

### NOTE 2: COMPREHENSIVE INCOME.

Other comprehensive income includes foreign currency translation adjustments and unrealized appreciation of available-for-sale securities, net of taxes. Other comprehensive income (loss) for the three months ended February 28, 2002 and 2001 was \$(5,707,000) and \$21,280,000, respectively. Other comprehensive income (loss) for the nine months ended February 28, 2002 and 2001 was \$(4,039,000) and \$7,279,000, respectively. Total comprehensive income combines reported net income and other comprehensive income. Total comprehensive income for the three months ended February 28, 2002 and 2001 was \$55,967,000 and \$59,485,000, respectively. Total comprehensive income for the nine months ended February 28, 2002 and 2001 was \$175,100,000 and \$145,709,000, respectively.

### NOTE 3: INVENTORIES.

Inventories at February 28, 2002 and May 31, 2001 are as follows:

|                 | February 28,<br>2002 | May 31,<br>2001 |
|-----------------|----------------------|-----------------|
|                 | -----                | -----           |
|                 | (in thousands)       |                 |
| Raw materials   | \$ 33,374            | \$ 32,024       |
| Work-in-process | 45,171               | 31,082          |
| Finished goods  | 125,492              | 108,704         |
| Consigned       | 114,938              | 105,791         |
|                 | -----                | -----           |
|                 | \$318,975            | \$277,601       |
|                 | =====                | =====           |

### NOTE 4: COMMON SHARES.

During the nine months ended February 28, 2002, the Company issued 1,341,520 Common Shares upon the exercise of outstanding stock options for proceeds aggregating \$13,896,000. During the nine months ended February 28, 2002 the Company purchased 2,478,601 common shares at an aggregate cost of \$76,215,000, pursuant to the Common Stock repurchase programs authorized by the Board of Directors in December 2001. On July 9, 2001, the Company announced a three-for-two stock split payable August 6, 2001 to shareholders of record July 30, 2001. All information on the number of common shares and all per share data for the previous year have been restated for this stock split.

### NOTE 5: EARNINGS PER SHARE.

Earnings per common share amounts ("basic EPS") are computed by dividing net income by the weighted average number of common shares outstanding and excludes

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any potential dilution. Earnings per common share amounts assuming dilution ("diluted EPS") are computed by reflecting potential dilution from the exercise of stock options.

### NOTE 6: INCOME TAXES.

The difference between the reported provision for income taxes and a provision computed by applying the federal statutory rate to pre-tax accounting income is primarily attributable to state income taxes, tax benefits relating to operations in Puerto Rico, tax-exempt income and tax credits.

### NOTE 7: CONTINGENCIES.

On November 13, 2001, the United States Supreme Court ("Supreme Court") denied the Company's petition to review the \$20 million punitive damage award against the Company given to Raymond G. Tronzo by the United States District Court for the Southern District of Florida which affirmed a compensatory damage award of \$520. The Company had previously recorded a one-time special charge during the third quarter of fiscal 2001 of \$26.1 million, which represents the total damage award plus the maximum amount of interest that, as calculated by the Company, may be due under the award and related expenses. While the Company was disappointed in the Supreme Court's decision not to review the case, the Company has released \$20,236,000 from escrow. The amount of interest owed by the Company, if any, on this award continues to be in dispute; however, if a decision on the interest award is adverse to the Company, it should not exceed the amount of the remaining funds in escrow. The Supreme Court's decision does not affect the ongoing sales of any of Biomet's product lines.

There are various other claims, lawsuits, disputes with third parties, investigations and pending actions involving various allegations against the Company incident to the operation of its business, principally product liability and intellectual property cases. Each of these matters is subject to various uncertainties, and it is possible that some of these matters may be resolved unfavorably to the Company. The Company establishes accruals for losses that are deemed to be probable and subject to reasonable estimate. Based on the advice of counsel to the Company in these matters, management believes that the ultimate outcome of these matters and any liabilities in excess of amounts provided will not have a material adverse impact on the Company's consolidated financial position or on its future business operations.

### NOTE 8: RECENT ACCOUNTING PRONOUNCEMENTS:

In June of 2001, the Financial Accounting Standards Board (FASB) approved the issuance of Statement 141, "Business Combinations", and Statement 142, "Goodwill and Other Intangible Assets". FASB Statement 141, among other things, requires that all business combinations be accounted for using the purchase method; use of the pooling-of-interest method is prohibited. The provisions of FASB Statement 141 will apply to all business combinations initiated after June 30, 2001. FASB Statement 142, among other things, requires that goodwill not be amortized but should be tested for impairment at least annually. The Company will adopt this statement in the first quarter of fiscal 2003. The Company has not assessed the effect that the adoption of FASB Statement 142 will have on its financial position or results of operations.

### ITEM 2. MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS

#### FINANCIAL CONDITION AS OF FEBRUARY 28, 2002

The Company's cash and investments increased \$25,656,000 to \$488,804,000 at February 28, 2002, despite the \$76,215,000 used to purchase shares during the

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quarter pursuant to the December 2001 share repurchase programs and the \$24,268,000 cash dividend paid during the first quarter.

Cash flows provided by operating activities were \$145,768,000 for the first nine months of fiscal 2002 compared to \$131,221,000 in 2001. The primary sources of fiscal year 2002 cash flows from operating activities were net income, depreciation and amortization offset by an increase in inventory and a decrease in other accrued expenses. Inventories increased from new product introductions and a buildup of inventory associated with the Company's establishment of its direct operations in Japan. Other accrued expenses decreased from the payout in the Tronzo litigation as described in Note 7 of the Notes to Consolidated Financial Statements.

Cash flows used in investing activities were \$76,530,000 for the first nine months of fiscal 2002 compared to a use of \$131,319,000 in 2001. The primary use of cash flows for investing activities were purchases of investments and purchases of capital equipment offset by sales and maturities of investments. Included in capital expenditures are costs for the purchase and expansion of the Company's 3i facilities.

Cash flows used in financing activities were \$68,575,000 for the first nine months of fiscal 2002 compared to a use of \$15,310,000 in 2001. The primary use of cash flows from financing activities were the purchase of the Company's Common Shares as part of the Common Share repurchase programs and the cash dividend paid in the first quarter while the primary source of cash flows from financing activities was from cash receipts from stock option exercises and additional borrowings in Europe from the Biomer's line of credit. Biomer increased its line of credit from EUR 71 million to EUR 100 million during the current quarter.

Currently available funds, together with anticipated cash flows generated from future operations, are believed to be adequate to cover the Company's anticipated cash requirements, including capital expenditures, research and development costs, common stock repurchases and potential business acquisitions.

### RESULTS OF OPERATIONS FOR THE NINE MONTHS ENDED FEBRUARY 28, 2002 AS COMPARED TO THE NINE MONTHS ENDED FEBRUARY 28, 2001

Net sales increased 17% to \$866,018,000 for the nine-month period ended February 28, 2002, from \$742,657,000 for the same period last year. Excluding the impact of foreign currency and discontinued products, which reduced the first nine months sales by \$4.6 million and \$7.8 million, respectively, net sales increased 18.5% during the first nine months of fiscal year 2002. The Company's U.S.-based revenue increased 20% to \$625,702,000 during the first nine months, while foreign sales increased 8% to \$240,316,000. Excluding the negative foreign exchange adjustment and discontinued products, foreign sales in local currencies increased 14%.

Worldwide sales of Biomet's reconstructive devices increased 17% during the first nine months of fiscal 2002 to \$520,831,000. Reconstructive devices were led by total knee sales, which increased 19% in the United States and 18% worldwide during the first nine months. Biomet's knee performance continues to be driven by the Repicci IITM Unicodylar Knee System and the Ascent™ Total Knee System. Total hip sales increased 17% in the United States and 14% worldwide during the first nine months of fiscal 2002. The Company's M2a™ Taper Metal-on-Metal Hip System and Biomet's broad line of cementless total hip systems continue to drive this growth. 3i's dental reconstructive implants increased 16% in the United States and 17% worldwide during the nine-month period. Bone cements and accessories increased 31% worldwide for the nine-month period.



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Fixation sales increased 9% to \$160,430,000 for the first nine months of fiscal 2002. Fixation sales were led by electrical stimulation products which increased 16% worldwide during the nine-month period. External fixation sales increased 5% worldwide, internal fixation sales increased 8% worldwide, while craniomaxillofacial sales decreased 5% worldwide for the nine-month period.

Spinal sales increased 44% to \$89,609,000 for the first nine months of fiscal 2002. Sales of spinal hardware and EBI's non-invasive SpinalPak Spinal Stimulation System contributed to this increase. Increases in both fixation and spinal products were positively influenced by the acquisition of Bioelectron in September of last fiscal year.

The Company's sales of other products totaled \$95,148,000, representing a 10% increase over the first nine months of fiscal year 2001, primarily as a result of increased sales of softgoods and bracing products and arthroscopy products, offset by the loss of internationally distributed products.

Cost of sales decreased as a percentage of net sales to 27.9% for the first nine months of fiscal 2002 from 28.8% last year primarily as a result of increased sales of higher margin products and increased in-house manufacturing efficiencies. Selling, general and administrative expenses as a percentage of net sales changed from 39.5% (36.0% excluding the Tronzo special charge) for the first nine months of last year to 37.0% for the current nine-month period. This increase in the percentage (excluding the special charge) is a result of ongoing investments in the Company's global sales capabilities, including implementing a direct selling organization in Japan. In addition, in the third quarter, the Company experienced approximately \$1.5 million of additional expenses resulting from the reorganization of its Walter Lorenz subsidiary. Research and development expenditures increased during the first nine months to \$35,845,000 reflecting the Company's continued emphasis on new product introductions. Operating income increased 31% (16% excluding the special charge) to \$267,663,000 for the first nine months of fiscal 2002. Other income decreased 16% resulting from lower interest rates available on investable cash. The effective income tax rate decreased to 33.9% for the first nine months of fiscal year 2002 from 34.3% last year primarily as a result of U.S. pretax income growing at a higher rate than international pretax income where tax rates are higher.

These factors resulted in a 29% increase (15% excluding the special charge) in net income to \$179,139,000 for the first nine months of fiscal 2002. Basic earnings per share increased 27% (14% excluding the special charge) from \$.52 (\$.58) to \$.66 for the periods presented, while diluted earnings per share increased 29% (14% excluding the special charge) from \$.51 (\$.58) to \$.66 for the periods presented.

### RESULTS OF OPERATIONS FOR THE THREE MONTHS ENDED FEBRUARY 28, 2002 AS COMPARED TO THE THREE MONTHS ENDED FEBRUARY 28, 2001

Net sales increased 14% to \$304,609,000 for the third quarter of fiscal 2002, as compared to \$267,163,000 for the same period last year. Excluding the impact of foreign currency which decreased third quarter sales by \$.9 million and discontinued products which reduced the third quarter sales by \$2.5 million, net sales increased 15% during the third quarter of fiscal year 2002. Operating income increased 64% (13% excluding the special charge) to \$94,330,000 for the third quarter of fiscal 2002. During the third quarter, net income increased 61% (11% excluding the special charge) to \$61,674,000. Basic earnings per share increased 64% (10% excluding the special charge) from \$.14 (\$.21) to \$.23 for the periods presented, while diluted earnings per share increased

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64% (15% excluding the special charge) from \$.14 (\$.20) to \$.23 for the periods presented. The business factors resulting in these changes and relevant trends affecting the Company's business during the periods in question are comparable to those described in the preceding discussion for the nine-month period.

Item 3. Quantitative and Qualitative Disclosures about Market Risks.

There have been no material changes from the information provided in the Company's Annual Report on Form 10-K for the year ended May 31, 2001.

### PART II. OTHER INFORMATION

Item 1: Legal Proceedings.

On November 13, 2001, the United States Supreme Court ("Supreme Court") denied the Company's petition to review the \$20 million punitive damage award against the Company given to Raymond G. Tronzo by the United States District Court for the Southern District of Florida which affirmed a compensatory damage award of \$520. The Company had previously recorded a one-time special charge during the third quarter of fiscal 2001 of \$26.1 million, which represents the total damage award plus the maximum amount of interest that, as calculated by the Company, may be due under the award and related expenses. While the Company was disappointed in the Supreme Court's decision not to review the case, the Company has released \$20,236,000 from escrow. The amount of interest owed by the Company, if any, on this award continues to be in dispute; however, if a decision on the interest award is adverse to the Company, it should not exceed the amount of the remaining funds in escrow. The Supreme Court's decision does not affect the ongoing sales of any of Biomet's product lines.

Item 6. Exhibits and Reports on Form 8-K

(a) Exhibits. See Index to Exhibits.

(b) Reports on Form 8-K.

None.

### 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, thereunto duly authorized.

BIOMET, INC.

-----

(Registrant)

DATE: 4/12/2002

-----

BY: /s/ GREGORY D. HARTMAN

-----

Gregory D. Hartman  
Senior Vice President - Finance  
(Principal Financial Officer)

(Signing on behalf of the Registrant  
and as Principal Financial Officer)

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BIOMET, INC.

FORM 10-Q

## INDEX TO EXHIBITS

| Number Assigned<br>in Regulation S-K<br>Item 601<br>----- | Description of Exhibit<br>-----  | Sequential<br>Numbering System<br>Page Number<br>of Exhibit<br>----- |
|---|--|--|
| (2)   | No exhibit.  |  |
| (4)   | 4.1 Specimen certificate for Common Shares. (Incorporated by reference to Exhibit 4.1 to the registrant's Report on Form 10-K for the fiscal year ended May 31, 1985).   |  |
|   | 4.2 Rights Agreement between Biomet, Inc. and Lake City Bank, as Rights Agent, dated as of December 2, 1989. (Incorporated by reference to Exhibit 4 to Biomet, Inc. Form 8-K Current Report dated December 22, 1989, File No. 0-12515). |  |
| (10)  | No exhibit.  |  |
| (11)  | No exhibit.  |  |
| (15)  | No exhibit.  |  |
| (18)  | No exhibit.  |  |
| (19)  | No exhibit.  |  |
| (22)  | No exhibit.  |  |
| (23)  | No exhibit.  |  |
| (24)  | No exhibit.  |  |
| (99)  | No exhibit.  |  |