VIVUS INC Form 8-K February 10, 2005

# 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): February 9, 2005

# VIVUS, INC.

(Exact name of Registrant as specified in its charter)

DELAWARE

(State or other jurisdiction of incorporation)

0-23490

(Commission File Number)

94-3136179

(I.R.S. Employer Identification No.)

1172 CASTRO STREET

**MOUNTAIN VIEW, CA 94040** 

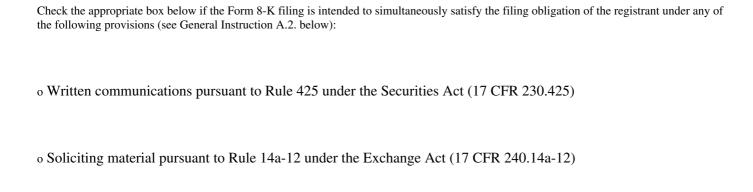
(Address of principal executive offices, including zip code)

(650) 934-5200

(Registrant s telephone number, including area code)

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



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

#### Item 8.01. Other Events

On February 9, 2005, the Registrant issued a press release announcing that data from a recently completed Phase 2 clinical trial demonstrated that Testosterone MDTS®, the Company s investigational transdermal testosterone spray for the treatment of females with hypoactive sexual desire disorder (HSDD), significantly increased the number of satisfactory sexual events in premenopausal women with HSDD when compared with placebo. The press release is attached as Exhibit 99.1 to this Current Report on Form 8-K and is incorporated herein by reference.

#### Item 9.01. Financial Statements and Exhibits

(c) Exhibits.

Exhibit No. Description

99.1 Press Release dated February 9, 2005.

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#### **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.

VIVUS, INC.

By: /s/ TIMOTHY E. MORRIS
Timothy E. Morris
Vice President, Finance and Chief Financial Officer

Date: February 9, 2005

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#### EXHIBIT INDEX

Exhibit No. Description

99.1 Press Release dated February 9, 2005.

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