VIVUS INC Form 8-K September 21, 2010

# 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)

**September 21, 2010** 

# VIVUS, INC.

(Exact name of registrant as specified in its charter)

**Delaware** (State or other jurisdiction of incorporation)

**001-33389** (Commission File Number)

**94-3136179** (IRS Employer Identification No.)

1172 CASTRO STREET

**MOUNTAIN VIEW, CA 94040** 

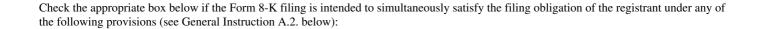
(Address of principal executive offices, including zip code)

#### (650) 934-5200

(Registrant s telephone number, including area code)

#### N/A

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



- o Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- o Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- 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))

On September 21, 2010, VIVUS, Inc. issued a press release titled New Long-Term Data on Qnexa Show Significant and Sustained Weight Loss of Greater Than 10% Over Two Years. A copy of the press release is attached hereto as Exhibit 99.1.

#### Item 9.01. Financial Statements and Exhibits

(d) Exhibits.

Exhibit No. Description

99.1 Press Release dated September 21, 2010

2

#### **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/ Lee B. Perry
Lee B. Perry
Vice President and Chief Accounting Officer

Date: September 21, 2010

3

## EXHIBIT INDEX

Exhibit No.	Description
99.1	Press Release dated September 21, 2010
	4