

VIVUS INC  
Form 4  
December 17, 2010

**FORM 4** 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).

**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

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
LOGAN MARK B

(Last) (First) (Middle)  
1172 CASTRO STREET  
(Street)

MOUNTAIN VIEW, CA 94040

(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol  
VIVUS INC [VVUS]

3. Date of Earliest Transaction  
(Month/Day/Year)  
12/15/2010

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

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

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

6. Individual or Joint/Group Filing(Check Applicable Line)  
 Form filed by One Reporting Person  
 Form filed by More than One Reporting Person

**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 Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
Common Stock	12/15/2010		M	A	\$ 6.52 56,000	D	
Common Stock	12/15/2010		M	A	\$ 4.59 58,000	D	
Common Stock	12/15/2010		M	A	\$ 5.23 66,000	D	
Common Stock	12/15/2010		S(1)	D	\$ 9.14 48,000	D	
Common Stock	12/17/2010		M	A	\$ 4.58 50,000	D	
Common Stock	12/17/2010		M	A	\$ 4 58,000	D	

Common Stock								
Common Stock	12/17/2010		M	2,000	A	\$ 4.15	60,000	D
Common Stock	12/17/2010		M	8,000	A	\$ 2.99	68,000	D
Common Stock	12/17/2010		S <sup>(2)</sup>	20,000	D	\$ 9.5169	48,000	D

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

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(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 Amount Underlying Securities (Instr. 3 and 4)	Amount or Number of Shares	
				Code	V (A) (D)	Date Exercisable	Expiration Date	Title	
Non-Qualified Stock Option (right to buy)	\$ 6.52	12/15/2010		M	8,000	(3) 06/05/2012	Common Stock	8,000	
Non-Qualified Stock Option (right to buy)	\$ 4.59	12/15/2010		M	2,000	(3) 04/14/2013	Common Stock	2,000	
Non-Qualified Stock Option (right to buy)	\$ 5.23	12/15/2010		M	8,000	(3) 06/13/2013	Common Stock	8,000	
Non-Qualified Stock Option(right to buy)	\$ 4.58	12/17/2010		M	2,000	(3) 01/26/2014	Common Stock	2,000	
Non-Qualified Stock Option(right to	\$ 4	12/17/2010		M	8,000	(3) 06/14/2014	Common Stock	8,000	

buy)

Non-Qualified Stock Option(right to buy)	\$ 4.15	12/17/2010	M	2,000	(3)	01/24/2015	Common Stock	2,000
Non-Qualified Stock Option(right to buy)	\$ 2.99	12/17/2010	M	8,000	(3)	06/15/2015	Common Stock	8,000

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
LOGAN MARK B 1172 CASTRO STREET MOUNTAIN VIEW, CA 94040	X			

## Signatures

/s/ Julie Hollenback, by power of attorney  
Date: 12/17/2010

\*\*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).
- The sale price reported in column 4 of Table 1 represents the weighted average sale price of the shares sold ranging from \$9.14 to \$9.1401. Upon request by the Commission staff, the Issuer, or a security holder of the Issue, the Reporting Person will provide full information regarding the number of shares sold at each separate price within the ranges set forth in footnotes (1) and (2) to this Form 4.
- (1) The sale price reported in column 4 of Table I represents the weighted average sale price of the shares sold ranging from \$9.50 to \$9.5303 per share.
  - (2) The option is fully vested and immediately exercisable.

Note: File three copies of this Form, one of which must be manually signed. If space 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.