VIVUS INC Form 8-K December 07, 2011

# 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)

**December 7, 2011** 

# 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** 

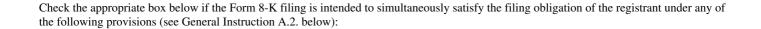
(Address of principal executive offices, including zip code)

#### (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))

Item	8.01.	Other	<b>Events</b>
Item	8.01.	Other	<b>Events</b>

On December 7, 2011, VIVUS, Inc. issued a press release titled, SEQUEL Trial Results for Qnexa® Published in *AJCN* Show 10% Sustained Weight Loss Over 2 Years. A copy of the press release is attached hereto as Exhibit 99.1.

The information in this Form 8-K and the exhibit attached hereto shall not be deemed filed for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the Exchange Act ), or incorporated by reference into any of the Registrant s filings under the Securities Act of 1933, as amended, or the Exchange Act, except as shall be expressly set forth by specific reference in any such filing.

#### Item 9.01. Financial Statements and Exhibits

(d) Exhibits.

Exhibit No. Description

99.1 Press Release dated December 7, 2011.

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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.

/s/ Lee B. Perry Lee B. Perry Vice President and Chief Accounting Officer

Date: December 7, 2011

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### EXHIBIT INDEX

Exhibit No. Description

99.1 Press Release dated December 7, 2011.

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