Edgar Filing: Day Wesley - Form 4

Day Wesley Form 4										
November 16, 20	05									
FORM 4	UNITED	CT A TEC	CECU						PPROVAL	
		SIAIES		shington			COMMISSIO	N OMB Number:	3235-0287	
Check this box if no longer subject to Section 16. Form 4 or Form 5	F CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES Section 16(a) of the Securities Exchange Act of 1934,					burden hou response	irs per			
obligations may continue. <i>See</i> Instruction 1(b).	*	(a) of the H	Public U	tility Hol	ding Cor		of 1935 or Secti			
(Print or Type Respon	nses)									
1. Name and Address of Reporting Person <u>*</u> Day Wesley		Person <u>*</u>	2. Issuer Name and Ticker or Trading Symbol VIVUS INC [vvus]			5. Relationship of Reporting Person(s) to Issuer				
(Last) ((First)	Middle		-	-		(Check all applicable)			
(Last) (First) (Middle) 1172 CASTRO STREET			3. Date of Earliest Transaction (Month/Day/Year) 11/14/2005			Director 10% Owner X_ Officer (give title Other (specify below) Vice President, Clinical				
(Street)			4. If Amendment, Date Original Filed(Month/Day/Year)			6. Individual or Joint/Group Filing(Check Applicable Line) _X_ Form filed by One Reporting Person				
MOUNTAIN VI	EW, CA 94	040					Form filed by Person	More than One R	eporting	
(City) (State)	(Zip)	Tab	le I - Non-l	Derivative	Securities A	cquired, Disposed	of, or Beneficia	lly Owned	
	nnsaction Date th/Day/Year)	2A. Deeme Execution any (Month/Da	Date, if	3. Transactio Code (Instr. 8)	4. Securit onAcquired Disposed (Instr. 3, 4	(A) or of (D)	5. Amount of Securities Beneficially Owned Following Reported Transaction(s)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
				Code V		(D) Price	(Instr. 3 and 4)			
Reminder: Report on	a separate line	e for each cla	ass of sec	urities bene	Perso inforn requir	ns who res nation cont red to resp nys a curre	or indirectly. spond to the colle tained in this form ond unless the fo ntly valid OMB co	n are not rm	SEC 1474 (9-02)	

 Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned
 (e.g., puts, calls, warrants, options, convertible securities)

1. Title of	2.	3. Transaction Date	3A. Deemed	4.	5. Number of	6. Date Exercisable and	7. Title and Amount of
Derivative	Conversion	(Month/Day/Year)	Execution Date, if	Transacti	orDerivative	Expiration Date	Underlying Securities
Security	or Exercise		any	Code	Securities	(Month/Day/Year)	(Instr. 3 and 4)

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(Instr. 3)	Price of Derivative Security		(Month/Day/Year)	(Instr. 8	((Acquired (or Dispose (D) (Instr. 3, 4 and 5)	ed of				
				Code Y	V	(A)	(D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares
Incentive Stock Option (right to buy)	\$ 3.26	11/14/2005		A		60,000		<u>(1)</u>	11/14/2015	Common Stock	60,000
D											

Reporting Owners

Reporting Owner Name / Address	Relationships						
	Director	10% Owner	Officer	Other			
Day Wesley 1172 CASTRO STREET MOUNTAIN VIEW, CA 94040			Vice President, Clinical				
Signatures							

Wesley Day	11/16/2005
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of

<u>**</u>Signature of Reporting Person

Explanation of Responses:

* If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).

Date

- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) Twenty-five percent (25%) of the total number of shares become exercisable on the anniversary of this grant, and one forty-eighth (1/48th) of the total number of shares become exercisable at the end of each full month thereafter.
- (2) There is no purchase price. This is an option grant.

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.