WILSON LELAND F

Form 4 June 16, 2009

## FORM 4

# UNITED STATES SECURITIES AND EXCHANGE COMMISSION Weshington, D.C. 20540

OMB APPROVAL

Check this box if no longer subject to

Washington, D.C. 20549

Number: 3235-0287

Synings: January 31,

subject to Section 16. Form 4 or Form 5 STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Estimated average burden hours per

Expires:

obligations may continue. See Instruction

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

response... 0.5

1(b).

(Print or Type Responses)

1. Name and Address of Reporting Person ** WILSON LELAND F			2. Issuer Name <b>and</b> Ticker or Trading Symbol	5. Relationship of Reporting Person(s) to Issuer		
			VIVUS INC [VVUS]	(Check all applicable)		
(Last)	(First)	(Middle)	3. Date of Earliest Transaction			
1172 CASTRO STREET		•	(Month/Day/Year) 06/12/2009	_X_ Director 10% OwnerX_ Officer (give title Other (specify		
			00/12/2009	below) below)		
				President & CEO		
	(Street)		4. If Amendment, Date Original	6. Individual or Joint/Group Filing(Check		
			Filed(Month/Day/Year)	Applicable Line)		
				_X_ Form filed by One Reporting Person		
MOUNTAIN VIEW, CA 94040				Form filed by More than One Reporting		

(City)	(State)	(Zip)	Table I - N	on-Derivative Securities Acqui	ired, Disposed of,	, or Beneficial	ly Owned
1.Title of	2. Transaction Date	2A. Deemed	3.	4. Securities Acquired (A)	5. Amount of	6.	7. Nature
α	O. F 1 / D. / S. F	- · -		. D' 1 C(D)	a	0 1:	T 11

1.Title of 2. Transaction Date 2A. Deemed 3. 4. Securities Acquired (A) 5. Amount of 6.	7. Nature of
Security (Month/Day/Year) Execution Date, if Transactionr Disposed of (D) Securities Owner	ership Indirect
(Instr. 3) any Code (Instr. 3, 4 and 5) Beneficially Form	n: Beneficial
(Month/Day/Year) (Instr. 8) Owned Direct	ct (D) Ownership
Following or Inc	direct (Instr. 4)
Reported (I)	
(A) Transaction(s) (Instr	r. 4)
or (Instr. 3 and 4)	
Code V Amount (D) Price (mod 3 and 4)	
Common $06/12/2009$ $S_{(1)}^{(1)}$ $25,000$ D $S_{(2)}^{(2)}$ $S_{(2)}^{(2)}$ D	
Stock $\frac{5001272009}{50000000000000000000000000000000000$	
Common 06/13/2000 \$ 253.600 B	
Stock $06/12/2009$ $S_{(1)}^{(1)}$ 25,000 D $\phi$ 353,609 D	

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

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SEC 1474

(9-02)

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#### 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. Transacti Code (Instr. 8)	5. onNumber of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3,		ate	7. Title Amour Underl Securit (Instr.	nt of lying	8. Price of Derivative Security (Instr. 5)	9. Nu Deriv Secur Bene Own Follo Repo Trans (Instr
				Code V	4, and 5) (A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares		

### **Reporting Owners**

Reporting Owner Name / Address	Relationships						
	Director	10% Owner	Officer	Other			
WILSON LELAND F 1172 CASTRO STREET MOUNTAIN VIEW, CA 94040	X		President & CEO				

### **Signatures**

By: Kate Higgins For: Leland 06/16/2009 Wilson

\*\*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 sales reported on this Form 4 was effected pursuant to a Rule 10b5-1 trading plan adopted by the reporting person on March 12, **(1)** 2009.
- (2) Includes 1,577 shares acquired pursuant to the Company's ESPP on May 14, 2009.

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.

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