VIVUS INC Form 8-K July 29, 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)

July 29, 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

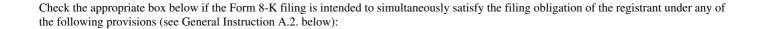
(Address of principal executive offices, including zip code)

(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 Events	Item	8.01.	Other	Events
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On April 29, 2011, VIVUS, Inc. (the Company) filed its definitive proxy statement describing, among other things, the amendments to the Company s 1994 Employee Stock Purchase Plan (the Amended Plan). The Amended Plan is filed as Exhibit 10.1 hereto.

Item 9.01. Financial Statements and Exhibits

(d) Exhibits.

Exhibit No. Description

10.1 1994 Employee Stock Purchase Plan, as amended

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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: July 29, 2011

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EXHIBIT INDEX

Exhibit No.		Description
10.1	1994 Employee Stock Purchase Plan, as amended	
		$_{A}$