VIVUS INC Form 8-K January 07, 2013

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)

January 7, 2013

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

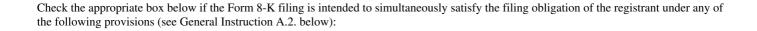
(Address of principal executive offices, including zip code)

(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 7.01. Regulation FD Disclosure

In connection with the Company s attendance at the 31sAnnual JP Morgan Healthcare Conference to be held in San Francisco, CA commencing on January 7, 2013, the Company will be distributing and presenting the slides attached as Exhibit 99.1 to this report. The Company s presentation will take place at the Westin St. Francis Hotel in San Francisco, CA on Monday, January 7, 2013 at 2:30 p.m. PT. A live webcast and 30-day archive of the presentation will be available at http://ir.vivus.com.

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 Slide presentation entitled Innovative Therapies, Novel Products

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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: January 7, 2013

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