

**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)

**August 9, 2006**

**VIVUS, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**  
(State or other jurisdiction of  
incorporation)

**000-23490**  
(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)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

**Item 8.01. Other Events**

On August 9, 2006, VIVUS, Inc. issued a press release titled "VIVUS to Host Qnexa(TM) Program Update Conference Call and Webcast on Wednesday, August 16<sup>th</sup>". 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.**

<u>Exhibit No.</u>	<u>Description</u>
<b>99.1</b>	Press Release dated August 9, 2006

## 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.**

By: /s/ Timothy E. Morris  
**Timothy E. Morris**  
**Vice President and Chief Financial Officer**

Date: **August 11, 2006**

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## EXHIBIT INDEX

<u>Exhibit No.</u>	<u>Description</u>
<b>99.1</b>	Press Release dated August 9, 2006

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## **CONTACT:**

### **VIVUS, Inc.**

Timothy E. Morris  
Chief Financial Officer  
650-934-5200

### **Vida Communication**

Stephanie Diaz & Tim Brons  
415-675-7400

## **FOR IMMEDIATE RELEASE**

### **VIVUS to Host Qnexa™ Program Update Conference Call and Webcast on Wednesday, August 16<sup>th</sup>**

#### ***Dr. Kishore Gadde, Qnexa™ Trial Principal Investigator, to Discuss Phase 2 Clinical Findings***

**MOUNTAIN VIEW, Calif., August 9, 2006** — VIVUS, Inc. (NASDAQ: VVUS), a pharmaceutical company dedicated to the development and commercialization of novel therapeutic products addressing obesity and sexual health, today announced that it will host a conference call and webcast to provide an update on the company's Qnexa™ program. Dr. Kishore Gadde, the principal investigator, will also discuss the Qnexa Phase 2 clinical trial. The conference call and webcast will be held on Wednesday, August 16<sup>th</sup> at 10:00 a.m. Eastern.

During the call, investors will have an opportunity to pose questions to:

- Dr. Kishore Gadde - principal investigator for the Phase 2 Qnexa study
- Dr. Thomas Najarian - principal scientist and inventor of Qnexa
- VIVUS management

### **About Qnexa™**

Qnexa™ is a proprietary oral investigational pharmaceutical treatment for obesity. Qnexa is believed to work by suppressing appetite and lowering the threshold for satiety, the two main mechanisms that impact eating behavior.

VIVUS recently announced positive results from a Phase 2 study of Qnexa. The study was a double-blind, randomized, placebo-controlled trial. Findings from the study included:

- Over 50% of patients experienced 10% or more total body weight loss in 24 weeks.
- Qnexa achieved a placebo-adjusted weight loss of 20.3 pounds at week 24.
- Weight loss with Qnexa had not plateaued by 24 weeks.
- Qnexa was well-tolerated. Only four patients (8%) dropped out of the Qnexa study arm for any reason, versus 19 patients (38%) on placebo.

This trial involved 200 subjects, 159 women and 41 men with an average age of 40 and a mean body mass index (BMI) of 38. (A BMI of >30.0 is classified as obese per guidelines from the U.S. Department of Health and Human Services.)

VIVUS, Inc. 1172 Castro Street, Mountain View, CA 94040 Tel 650-934-5200 Fax 650-934-5389 [www.vivus.com](http://www.vivus.com)

### **About Obesity**

In 2004, the U.S. Centers for Disease Control and Prevention ranked obesity as the number one health threat in America. Obesity is a chronic condition that affects millions of people and often requires long-term or invasive treatment to promote and sustain weight loss. Obesity is the second leading cause of preventable death in the United States. The American Obesity Association estimates that approximately 127 million, or 64.5 percent, of adults in the U.S. are overweight, and an estimated 60 million, or 30.5 percent, are obese. The total direct and indirect costs attributed to overweight and obesity amounted to \$117 billion in 2000. Additionally, Americans spend more than \$33 billion annually on weight-loss products and services.

### **Conference Call and Webcast:**

Investors can participate in the call by dialing 877-660-0983 and entering reservation number 3584580. A live webcast and 30-day archive of the call can be accessed at [www.vivus.com](http://www.vivus.com) ..

A telephone replay of the conference call will be available for 24 hours beginning August 16th at approximately 2:00 p.m. Eastern by dialing 800-642-1687 and entering reservation number 3584580.

### **About VIVUS**

VIVUS, Inc. is a pharmaceutical company dedicated to the development and commercialization of next-generation therapeutic products addressing obesity and sexual health. VIVUS has four products that are positioned to enter Phase 3 clinical trials, and one product that has completed Phase 3 evaluation, for which an NDA is anticipated to be submitted to the U.S. Food and Drug Administration (FDA) in the second half of 2006. The investigational pipeline includes: Qnexa™, for which a Phase 2 study has been completed for the treatment of obesity; ALISTA™, for which a Phase 2B study is ongoing for the

treatment of Female Sexual Arousal Disorder (FSAD); Testosterone MDTs®, for which a Phase 2 study has been completed for the treatment of Hypoactive Sexual Desire Disorder (HSDD); Evamist™, for which a Phase 3 study has been completed for the treatment of menopausal symptoms; avanafil, for which a Phase 2 study has been completed for the treatment of erectile dysfunction (ED); and, MUSE®, which is approved and currently on the market for the treatment of ED. For more information on clinical trials and products, please visit the company's web site at [www.vivus.com](http://www.vivus.com).

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*Certain statements in this press release are forward-looking within the meaning of the Private Securities Litigation Reform Act of 1995. These statements may be identified by the use of forward-looking words such as “anticipate,” “believe,” “forecast,” “estimated” and “intend,” among others. These forward-looking statements are based on VIVUS’ current expectations and actual results could differ materially. There are a number of factors that could cause actual events to differ materially from those indicated by such forward-looking statements. These factors include, but are not limited to, substantial competition; uncertainties of patent protection and litigation; uncertainties of government or third party payer reimbursement; reliance on sole source suppliers; limited sales and marketing efforts and dependence upon third parties; risks related to the development of innovative products; and risks related to failure to obtain FDA clearances or approvals and noncompliance with FDA regulations. As with any pharmaceutical under development, there are significant risks in the development, regulatory approval and commercialization of new products. There are no guarantees that future clinical studies discussed in this press release will be completed or successful or that any product will receive regulatory approval for any indication or prove to be commercially successful. VIVUS does not undertake an obligation to update or revise any forward-looking statement. Investors should read the risk factors set forth in VIVUS’ Form 10-K for the year ended December 31, 2005 and periodic reports filed with the Securities and Exchange Commission.*

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