# UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

# **SCHEDULE 13G**

**Under the Securities Exchange Act of 1934** 

(Amendment No. )\*

(Amendment No. )*
Vivus, Inc.
(Name of Issuer)
Common Stock, par value \$0.001 per share
(Title of Class of Securities)
928551100
(CUSIP Number)
August 13, 2015
(Date of Event Which Requires Filing of this Statement)
Check the appropriate box to designate the rule pursuant to which this Schedule 13G is filed:
[ ] Rule 13d-1(b)
[x] Rule 13d-1(c)
[ ] Rule 13d-1(d)
*The remainder of this cover page shall be filled out for a reporting person's initial filing on this form with respect to the subject class of securities, and for any subsequent amendment containing information which would alter the disclosure provided in a prior cover page.
The information required in the remainder of this cover page shall not be deemed to be " <i>filed</i> " for the purpose of Section 18 of the Securities Exchange Act of 1934 ("Act") or otherwise subject to the liabilities of that section of the Act but shall be subject to all other provisions of the Act (however, see the Notes.)

CUSIP No. 928551100			1	13G	Page 2 of 15 Pages
1 NAME OF RE	PORTIN	G PERSON I.R.S. I	DENTIFICATION NO	OS. OF ABOVE	PERSONS (entities only):
** *	. 1 .				
Van H	erk Inve	stments B.V.			
2 CHECK THE	APPROP	RIATE BOX IF A M	EMBER OF A GROU	JP (See Instruction	ons)
(a) o					
(b) o					
3 SEC USE ONI	Y				
4 CITIZENSHIP	OR PLA	ACE OF ORGANIZA	TION:		
-			- <del></del>		
The N	etherland	ds			
	5	SOLE VOTING PO	OWER		
		5,470,79	99		
NUMBER OF SHARES	6	SHARED VOTING	C DOWER		
BENEFICIALLY	O	0	FOWER		
OWNED BY					
EACH	7	SOLE DISPOSITIVE	VE POWER		
REPORTING PERSON		5,470,799			
WITH	8	SHARED DISPOS	ITIVE POWER		
		0			
9 AGGREGATE	AMOUI	NT BENEFICIALLY	OWNED BY EACH	REPORTING PI	ERSON:
5,470,					
40 CHECK DOV	IP THE	ACCDECATE AMOI	INT IN DOM (0) EV	CLUDEC CEDT	CAIN SHARES (See Instructions)
10 CHECK BOX	IF THE	AGGREGALE AMO	JNI IN ROW (9) EX	CLUDES CERI	AIN SHARES (See Instructions)
	CLASS	REPRESENTED BY	AMOUNT IN ROW	(9):	
5.3%					
12 TYPE OF REP	ORTINO	G PERSON (See Instr	uctions)		
CO					

CUSIP No. 928551100			130	j	Page 3 of 15 Pages
		G PERSON I.R.S. I	DENTIFICATION NOS.	OF ABOVE PERSO	DNS (entities only):
			EMBER OF A GROUP (	See Instructions)	
(a) o (b) o	111101			oce moducions)	
3 SEC USE ONL	Υ				
4 CITIZENSHIP	OR PL	ACE OF ORGANIZA	TION:		
The N	etherlan	ds			
NUMBER OF	5	SOLE VOTING PO	OWER		
SHARES BENEFICIALLY OWNED BY	6	SHARED VOTING 5,470,799			
EACH REPORTING PERSON	7	SOLE DISPOSITI 0			
WITH	8	SHARED DISPOS 5,470,799			
<b>9</b> AGGREGATE 5,470,		NT BENEFICIALLY	OWNED BY EACH REI	PORTING PERSON	J:
10 CHECK BOX 0	IF THE .	AGGREGATE AMO	UNT IN ROW (9) EXCL	UDES CERTAIN SI	HARES (See Instructions)
<b>11</b> PERCENT OF 5.3%	CLASS	REPRESENTED BY	AMOUNT IN ROW (9):		
12 TYPE OF REP	ORTING	G PERSON (See Instr	uctions)		

CUSIP No. 928551100		13G	Page 4 of 15 Pages
<u>CCSII 140. 920351100</u>		150	14gc 4 of 15 14gc3
1 NAME OF RE	PORTING PERSON I.R.S. II	DENTIFICATION NOS. OF ABOVI	E PERSONS (entities only):
A. vai	n Herk Holding B.V.		
	-		
(a) o	APPROPRIATE BOX IF A ME	EMBER OF A GROUP (See Instruct	ions)
(b) o			
3 SEC USE ONI	LY		
4 CITIZENSHIP	OR PLACE OF ORGANIZAT	TION:	
The N	Tetherlands		
	5 SOLE VOTING PC	OWER	
NUMBER OF	0		
SHARES	6 SHARED VOTING	POWER	
BENEFICIALLY OWNED BY	5,470,799		
EACH REPORTING	7 SOLE DISPOSITIV	E POWER	
PERSON			
WITH	8 SHARED DISPOSI 5,470,799	TIVE POWER	
• ACCRECATE		OWNED BY EACH REPORTING I	DEDCOM.
<b>9</b> AGGREGATE 5,470,		OWNED BY EACH REPORTING F	PERSON:
10 CHECK BOX	IF THE AGGREGATE AMOU	JNT IN ROW (9) EXCLUDES CER	TAIN SHARES (See Instructions)
0		,	,
	CLASS REPRESENTED BY	AMOUNT IN ROW (9):	
5.3%			
	ORTING PERSON (See Instru	actions)	
CO			

CUSIP No. 928551100		13G	Page 5 of 15 Pages
1 NAME OF REF	PORTING PERSON IRS	. IDENTIFICATION NOS. OF ABOVE	PERSONS (entities only)
		ggingsmaatschappij A. van Herk B.V.	Liteorio (chaaco omy).
(a) o	APPROPRIATE BOX IF A	MEMBER OF A GROUP (See Instruction	ons)
(b) o			
3 SEC USE ONL	Y		
4 CITIZENSHIP	OR PLACE OF ORGANIZ	ZATION:	
The Ne	etherlands		
	5 SOLE VOTING	POWER	
NUMBER OF	0		
SHARES BENEFICIALLY	6 SHARED VOTI 5,470,7		
OWNED BY EACH	7 SOLE DISPOSI		
REPORTING PERSON	0	117	
WITH	8 SHARED DISPO 5,470,7	OSITIVE POWER	
O ACCRECATE			PROM.
<b>9</b> AGGREGATE . 5,470,7		LY OWNED BY EACH REPORTING PE	ERSOIN:
	F THE AGGREGATE AM	OUNT IN ROW (9) EXCLUDES CERT	AIN SHARES (See Instructions)
0			
11 PERCENT OF 6 5.3%	CLASS REPRESENTED I	BY AMOUNT IN ROW (9):	
12 TYPE OF REPO	ORTING PERSON (See In	structions)	
СО			

CUSIP No. 928551100		13G	Page 6 of 15 Pages
	_	100	100 1 1 1 1001
1 NAME OF RE	PORTING PERSON I.R.S. I	DENTIFICATION NOS. OF ABOVE	PERSONS (entities only):
Van H	erk Management Services B.V	7.	
2 CHECK THE A (a) o	APPROPRIATE BOX IF A M	EMBER OF A GROUP (See Instruction	ons)
(b) o			
3 SEC USE ONL	Y		
4 CITIZENSHIP	OR PLACE OF ORGANIZA	TION:	
The N	etherlands		
	5 SOLE VOTING PO	OWIED	
	5 SOLE VOTING PO	JWER	
NUMBER OF SHARES	6 SHARED VOTING	G POWER	
BENEFICIALLY	5,470,799		
OWNED BY EACH	7 SOLE DISPOSITIV	VE POWER	
REPORTING PERSON	0		
WITH	8 SHARED DISPOS		
	5,470,799		
<b>9</b> AGGREGATE 5,470,		OWNED BY EACH REPORTING PR	ERSON:
10 CHECK BOX I	IF THE AGGREGATE AMOU	UNT IN ROW (9) EXCLUDES CERT	'AIN SHARES (See Instructions)
11 PERCENT OF 5.3%	CLASS REPRESENTED BY	AMOUNT IN ROW (9):	
	ODEING BEDGON (C. J.		
12 TYPE OF REP	ORTING PERSON (See Instr	uctions)	

CUSIP No. 928551100		13G	Page 7 of 15 Pages	
1 NAME OF REI	PORTING PERSON I.R.S.	IDENTIFICATION NOS. OF AB	BOVE PERSONS (entities only):	
	ius van Herk		(	
		ATMED OF A CROUD (C I	4	
(a) o (b) o	APPROPRIATE BOX IF A I	MEMBER OF A GROUP (See Ins	structions)	
3 SEC USE ONL	Y			
4 CITIZENSHIP	OR PLACE OF ORGANIZ	ATION:		
The No	etherlands			
NUMBER OF	5 SOLE VOTING 1	POWER		
SHARES BENEFICIALLY OWNED BY	6 SHARED VOTIN 5,470,79			
EACH REPORTING PERSON	7 SOLE DISPOSIT 0			
WITH	8 SHARED DISPO 5,470,79			
<b>9</b> AGGREGATE 5,470,		Y OWNED BY EACH REPORTII	NG PERSON:	
10 CHECK BOX I	F THE AGGREGATE AMO	OUNT IN ROW (9) EXCLUDES	CERTAIN SHARES (See Instructions)	
11 PERCENT OF 5.3%	CLASS REPRESENTED B	Y AMOUNT IN ROW (9):		
12 TYPE OF REPORTED IN	ORTING PERSON (See Ins	tructions)		

CUSIP No. 928551100	13G	Page 8 of 15 Pages
	1	

#### Item 1.

(a) Name of Issuer:

Vivus, Inc.

(b) Address of Issuer's Principal Executive Offices:

351 E. Evelyn Avenue Mountain View, California

#### Item 2.

(a) Names of Persons Filing:

This statement is being jointly filed by (i) Van Herk Investments B.V., a private company with limited liability incorporated under the laws of the Netherlands ("VHI"), (ii) Van Herk Private Equity Investments B.V., a private company with limited liability incorporated under the laws of the Netherlands ("VHPE"), (iii) A. van Herk Holding B.V., a private company with limited liability incorporated under the laws of the Netherlands ("Holdings"), (iv) Onroerend Goed Beheer- en Beleggingsmaatschappij A. van Herk B.V., a private company with limited liability incorporated under the laws of the Netherlands ("OGBBA"), (v) Van Herk Management Services B.V., a private company with limited liability incorporated under the laws of the Netherlands ("VHMS"), and (vi) Adrianus van Herk ("Mr. van Herk", and together with VHI, VHPE, Holdings, OGBBA and VHMS, the "Reporting Persons"). Mr. van Herk is the sole stockholder of VHPE and Holdings. VHPE is the sole stockholder of VHI. Holdings is the sole stockholder of OGBBA. OGBBA is the sole stockholder of VHMS. VHMS is the sole managing director of VHI. The securities to which this statement relates are owned by VHI.

The filing of this statement shall not be construed as an admission that any of the Reporting Persons is the beneficial owner of any securities covered by the statement other than the securities actually owned by such person (if any).

(b) Address of Principal Business Office or, if none, Residence:

The principal business address of each of VHI, VHPE, Holdings, OGBBA, VHMS and Mr. van Herk is:

Lichtenauerlaan 30 3062 ME Rotterdam The Netherlands

(c) Citizenship:

VHI, VHPE, Holdings, OGBBA and VHMS are private companies with limited liability incorporated under the laws of the Netherlands. Mr. van Herk is a citizen of the Netherlands.

(d) Title of Class of Securities:

Common Stock, par value \$0.001 per share.

(e) CUSIP Number:

928551100

CUSIP	No. 928551100	13G	Page 9 of 15 Pages
Item 3.			
		-1(b), or 13d-2(b) or (c), check whether the perso	on filing is a:
	[ ] Broker or dealer registered under Section 1	5 of the Act;	
	[] Bank as defined in Section 3(a)(6) of the A	ct;	
	[ ] Insurance company as defined in Section 3	(a)(19) of the Act;	
	[ ] Investment company registered under Secti	on 8 of the Investment Company Act of 1940;	
	[ ] An investment adviser in accordance with l	Rule 13d-1(b)(1)(ii)(E);	
	[ ] An employee benefit plan or endowment fu	and in accordance with Rule 13d-1(b)(1)(ii)(F);	
	[ ] A parent holding company or control perso	n in accordance with Rule 13d-1(b)(1)(ii)(G);	
	[ ] A savings associations as defined in Section	n 3(b) of the Federal Deposit Insurance Act (12 U	J.S.C. 1813);
	[ ] A church plan that is excluded from the def	finition of an investment company under section 3	3(c)(14) of the Investment Company Act of 1940;
	[ ] A non-U.S. institution in accordance with I	Rule 240.13d-1(b)(1)(ii)(J);	
	[ ] Group, in accordance with Rule 240.13d-16 specify the type of institution:	(b)(1)(ii)(K). If filing as a non-U.S. institution in	accordance with Rule 240.13d-1(b)(1)(ii)(J), please
Item 4.	Ownership		
	(a) Amount beneficially owned: 5,470,799		
			n the 104,024,069 shares of Common Stock, par value c. in its Form 10-Q filed on August 3, 2015 with the
	(c) Number of shares as to which such person	ı has:	
	<u>VHI</u>		
	i. Sole power to vote or direct the	vote:	5,470,799
	ii. Shared power to vote or direct th	ne vote:	0
	iii. Sole power to dispose or direct t	he disposition of:	5,470,799
	iv. Shared power to dispose or direc	et the disposition of:	0

VHI has the sole power to vote or direct the vote, and to dispose or to direct the disposition of, the Ordinary Shares owned by it.

# <u>VHPE</u>

i. Sole power to vote or direct the vote:
ii. Shared power to vote or direct the vote:
5,470,799

0

iii. Sole power to dispose or direct the disposition of:

CUSIP No. 928551100	13G	Page 10 of 15 Pages	
iv. Shared power to dispose or dire	oct the disposition of	5,470,799	
iv. Shared power to dispose of dife	et the disposition of.	3,47.0,733	
VHPE shares the power to vote or direct its direct equity interest in VHI.	the vote of, and to dispose or direct th	e disposition of, the Ordinary Shares owned by VHI b	y virtue of
<u>Holdings</u>			
i. Sole power to vote or direct the	vote:	0	
ii. Shared power to vote or direct t	he vote:	5,470,799	
iii. Sole power to dispose or direct	the disposition of:	0	
iv. Shared power to dispose or dire	ct the disposition of:	5,470,799	
Holdings shares the power to vote or dir of its direct equity interest in OGBBA.	ect the vote of, and to dispose or direct	the disposition of, the Ordinary Shares owned by VH	II by virtue
<u>OGBBA</u>			
i. Sole power to vote or direct the	vote:	0	
ii. Shared power to vote or direct t	he vote:	5,470,799	
iii. Sole power to dispose or direct	the disposition of:	0	
iv. Shared power to dispose or dire	ct the disposition of:	5,470,799	
OGBBA shares the power to vote or direct equity interest in VHMS.	ect the vote of, and to dispose or direct	the disposition of, the Ordinary Shares owned by VH	I by virtue
<u>VHMS</u>			
i. Sole power to vote or direct the	vote:	0	
ii. Shared power to vote or direct t	he vote:	5,470,799	
iii. Sole power to dispose or direct	the disposition of:	0	

VHMS shares the power to vote or direct the vote of, and to dispose or direct the disposition of, the Ordinary Shares owned by VHI by virtue of it being the sole managing director of VHI.

5,470,799

# Mr. van Herk

iv. Shared power to dispose or direct the disposition of:

i. Sole power to vote or direct the vote:	0
ii. Shared power to vote or direct the vote:	5,470,799
iii. Sole power to dispose or direct the disposition of:	0
iv. Shared power to dispose or direct the disposition of:	5,470,799

CUSIP	No. 928551100	13G	Page 11 of 15 Pages	
Item 5.	Ownership Five Percent or Less of a Class			
	If this statement is being filed to report the fact that as of the date hereof the reporting person has ceased to be the beneficial owner of more than 5 percent of the class of securities, check the following [].			

#### Item 6. Ownership of More than Five Percent on Behalf of Another Person

Not Applicable.

# Item 7. Identification and Classification of the Subsidiary Which Acquired the Security Being Reported on By the Parent Holding Company or Control Person

Not Applicable.

## Item 8. Identification and Classification of Members of the Group

Not Applicable.

#### Item 9. Notice of Dissolution of Group

Not Applicable.

## Item 10. Certification

By signing below we certify that, to the best of our knowledge and belief, the securities referred to above were not acquired and are not held for the purpose of or with the effect of changing or influencing the control of the issuer of the securities and were not acquired and are not held in connection with or as a participant in any transaction having that purpose or effect, other than activities solely in connection with a nomination under § 240.14a-11.

## **SIGNATURE**

After reasonable inquiry and to the best of our knowledge and belief, we certify that the information set forth in this statement is true, complete and correct.

Dated: August 24, 2015

#### VAN HERK INVESTMENTS B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

## VAN HERK PRIVATE EQUITY INVESTMENTS B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

#### A. VAN HERK HOLDING B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

## ONROEREND GOED BEHEER- EN BELEGGINGSMAATSCHAPPIJ A. VAN HERK B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

# VAN HERK MANAGEMENT SERVICES B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

## /s/ Adrianus van Herk

ADRIANUS VAN HERK



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CUSIP No. 928551100	13G	Page 13 of 15 Pages
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# EXHIBIT INDEX

Exhibit	
Number	Title

Joint Filing Agreement, dated August 24, 2015, by and among the Reporting Persons, as required by Rule 13d-1(k)(1) under the Securities Exchange Act of 1934, as amended.

	_	
CUSIP No. 928551100	13G	Page 14 of 15 Pages

**EXHIBIT 99.1** 

## JOINT FILING AGREEMENT

The undersigned hereby agree that they are filing a statement on Schedule 13G jointly pursuant to Rule 13d-1(k)(1). Each of them is responsible for the timely filing of such Schedule 13G and any amendments thereto, and for the completeness and accuracy of the information concerning such person contained therein; but none of them is responsible for the completeness or accuracy of the information concerning the other persons making the filing, unless such person knows or has reason to believe that such information is inaccurate.

In accordance with Rule 13d-1(k)(1) promulgated under the Securities Exchange Act of 1934, as amended, the undersigned hereby agree to the joint filing with each other on behalf of each of them of such a statement on Schedule 13G and any amendments thereto with respect to the ordinary shares beneficially owned by each of them, of Vivus, Inc., a Delaware corporation. This Joint Filing Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Joint Filing Agreement shall be included as an exhibit to such Schedule 13G and amendments thereto.

Dated: August 24, 2015

(remainder of page intentionally left blank)

#### VAN HERK INVESTMENTS B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

## VAN HERK PRIVATE EQUITY INVESTMENTS B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

## A. VAN HERK HOLDING B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

## ONROEREND GOED BEHEER- EN BELEGGINGSMAATSCHAPPIJ A. VAN HERK B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

#### VAN HERK MANAGEMENT SERVICES B.V.

By: /s/ Adrianus van Herk

Name: Adrianus van Herk Title: Authorized Person

/s/ Adrianus van Herk

ADRIANUS VAN HERK