

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

OMB APPROVAL

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STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP

Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 or Section 30(h) of the Investment Company Act of 1940

1. Name and Address of Reporting Person* <u>Slebir John L</u> (Last) (First) (Middle) <u>1172 CASTRO STREET</u> (Street) <u>MOUNTAIN CA 94040</u> (City) (State) (Zip)	2. Issuer Name and Ticker or Trading Symbol <u>VIVUS INC [VVUS]</u> 3. Date of Earliest Transaction (Month/Day/Year) <u>07/18/2012</u> 4. If Amendment, Date of Original Filed (Month/Day/Year)	5. Relationship of Reporting Person(s) to Issuer (Check all applicable) Director 10% Owner <input checked="" type="checkbox"/> Officer (give title below) Other (specify below) <u>VP, General Counsel</u> 6. Individual or Joint/Group Filing (Check Applicable Line) <input checked="" type="checkbox"/> Form filed by One Reporting Person Form filed by More than One Reporting Person
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Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)		4. Securities Acquired (A) or Disposed Of (D) (Instr. 3, 4 and 5)			5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
			Code	V	Amount	(A) or (D)	Price			
Common Stock	07/18/2012		M		6,250	A	\$6.39	10,376 ⁽²⁾	D	
Common Stock	07/18/2012		S ⁽¹⁾		6,250	D	\$30.36	4,126	D	
Common Stock	07/18/2012		M		3,750	A	\$8.74	7,876	D	
Common Stock	07/18/2012		S ⁽¹⁾		3,750	D	\$30.36	4,126	D	

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. Transaction Code (Instr. 8)		5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Securities Underlying Derivative Security (Instr. 3 and 4)	8. Price of Derivative Security (Instr. 5)	9. Number of derivative Securities Beneficially Owned Following Reported Transaction(s) (Instr. 4)	10. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	11. Nature of Indirect Beneficial Ownership (Instr. 4)
				Code	V		Date Exercisable	Expiration Date					
Incentive Stock Option (right to buy)	\$6.39	07/18/2012		M		6,250	(3)	09/04/2019	Common Stock	6,250	\$0.00	3,750	D
Incentive Stock Option (right to buy)	\$8.74	07/18/2012		M		3,750	(4)	01/21/2021	Common Stock	3,750	\$0.00	30,916	D

Explanation of Responses:

1. The sale reported on this Form 4 was effected pursuant to a Rule 10b5-1 trading plan adopted by the Reporting Person on March 15, 2012.
2. Includes 1,993 shares acquired under the VIVUS, Inc. Employee Stock Purchase Plan on May 14, 2012.
3. Twenty-five percent (25%) of the total number of shares became exercisable on 9/4/2010 and one forty-eighth (1/48th) of the total number of shares become exercisable at the end of each full month thereafter until the option is fully vested on 9/14/2013.
4. Twenty-five percent (25%) of the total number of shares became exercisable on 1/21/2012 and one forty-eighth (1/48th) of the total number of shares become exercisable at the end of each full month thereafter until the option is fully vested on 1/21/2015.

/s/ Julie Hollenback, by power of attorney 07/20/2012

** Signature of Reporting Person Date

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

* 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).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure.

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