

OMB APPROVAL	
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INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

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>Suh Kenneth</u> <hr/> (Last) (First) (Middle) C/O VIVUS, INC. 900 E. HAMILTON AVE., SUITE 550 <hr/> (Street) CAMPBELL CA 95008 <hr/> (City) (State) (Zip)	2. Date of Event Requiring Statement (Month/Day/Year) 08/03/2018	3. Issuer Name and Ticker or Trading Symbol <u>VIVUS INC [VVUS]</u>	
		4. Relationship of Reporting Person(s) to Issuer (Check all applicable) Director 10% Owner <input checked="" type="checkbox"/> Officer (give title below) Other (specify below) <p style="text-align: center;">President</p>	5. If Amendment, Date of Original Filed (Month/Day/Year) <hr/> 6. Individual or Joint/Group Filing (Check Applicable Line) <input checked="" type="checkbox"/> Form filed by One Reporting Person <input type="checkbox"/> Form filed by More than One Reporting Person

Table I - Non-Derivative Securities Beneficially Owned

1. Title of Security (Instr. 4)	2. Amount of Securities Beneficially Owned (Instr. 4)	3. Ownership Form: Direct (D) or Indirect (I) (Instr. 5)	4. Nature of Indirect Beneficial Ownership (Instr. 5)
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Table II - Derivative Securities Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

1. Title of Derivative Security (Instr. 4)	2. Date Exercisable and Expiration Date (Month/Day/Year)		3. Title and Amount of Securities Underlying Derivative Security (Instr. 4)		4. Conversion or Exercise Price of Derivative Security	5. Ownership Form: Direct (D) or Indirect (I) (Instr. 5)	6. Nature of Indirect Beneficial Ownership (Instr. 5)
	Date Exercisable	Expiration Date	Title	Amount or Number of Shares			
Warrant (Right to Buy)	04/30/2018	04/29/2025	Common Stock	2,151,000 ⁽¹⁾	0.37	D	
Employee Stock Option (Right to Buy)	(2)	(3)	Common Stock	1,700,000	0.37	D	
Employee Stock Option (Right to Buy)	(4)	(5)	Common Stock	200,000	0.37	D	

Explanation of Responses:

- The Warrant was fully vested and exercisable on the date of grant.
- Awarded as an inducement grant of stock options pursuant to reporting person's offer letter dated April 30, 2018. One fourth (1/4th) of the total number of shares underlying the option vest on April 30, 2019, and one forty-eighth (1/48th) of the total number of shares underlying the option vest on a monthly basis thereafter, subject to the reporting person continuing to be a Service Provider (as defined in the Issuer's 2018 Inducement Equity Incentive Plan) on the relevant vesting dates.
- The option expires on the earlier of (a) April 30, 2025 and (b) the twelve (12) month anniversary of the date the reporting person ceases to be a Service Provider (as defined in the Issuer's 2018 Inducement Equity Incentive Plan).
- The total number of shares underlying the option will vest subject to satisfaction of a performance target involving the Issuer's market capitalization on or prior to April 30, 2021 and the reporting person continuing to be a Service Provider (as defined in the Issuer's 2010 Equity Incentive Plan) upon satisfaction of such target.
- The option expires on the earlier of (a) April 30, 2025 and (b) the twelve (12) month anniversary of the date the reporting person ceases to be a Service Provider (as defined in the Issuer's 2010 Equity Incentive Plan).

Remarks:

/s/ Julie Hollenback, Attorney-in-Fact 08/09/2018

** 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 5 (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.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB Number.

POWER OF ATTORNEY

The undersigned, as a Section 16 reporting person of VIVUS, Inc. (the "Company"), hereby constitutes and appoints Julie Hollenback, Mark K. Oki, Sandra E. Wells and John L. Slebir, the undersigned's true and lawful attorneys-in-fact to:

1. complete and execute Forms 3, 4 and 5 and other forms and all amendments thereto as such attorneys-in-fact shall in their discretion determine to be required or advisable pursuant to Section 16 of the Securities Exchange Act of 1934 (as amended) and the rules and regulations promulgated thereunder, or any successor laws and regulations, as a consequence of the undersigned's ownership, acquisition or disposition of securities of the Company; and
2. do all acts necessary in order to file such forms with the Securities and Exchange Commission, any securities exchange or national association, the Company and such other person or agency as the attorneys-in-fact shall deem appropriate.

The undersigned hereby ratifies and confirms all that said attorneys-in-fact and agent shall do or cause to be done by virtue hereof. The undersigned acknowledges that the foregoing attorneys-in-fact, in serving in such capacity at the request of the undersigned, is not assuming, nor is the Company assuming, any of the undersigned's responsibilities to comply with Section 16 of the Securities Exchange Act of 1934 (as amended).

This Power of Attorney shall remain in full force and effect until the undersigned is no longer required to file Forms 4 and 5 with respect to the undersigned's holdings of and transactions in securities issued by the Company, unless earlier revoked by the undersigned in a signed writing delivered to the Company and the foregoing attorneys-in-fact.

IN WITNESS WHEREOF, the undersigned has caused this Power of Attorney to be executed as of this 6th day of August, 2018.

Signature: /s/ Kenneth Suh

Print Name: Kenneth Suh