VIVUS INC Form 8-K May 14, 2018

# 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)

May 8, 2018

# VIVUS, INC.

(Exact name of registrant as specified in its charter)

001-33389

**Delaware** (State or other jurisdiction of

on of (Commission File Number)

94-3136179 (IRS Employer Identification No.)

incorporation)

900 E. HAMILTON AVENUE, SUITE 550

CAMPBELL, CA 95008

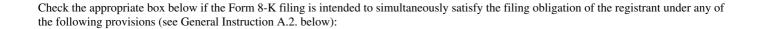
(Address of principal executive offices, including zip code)

#### (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))

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 of this chapter).

Emerging growth company O

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. O

#### Item 2.02. Results of Operations and Financial Condition

On May 8, 2018, VIVUS, Inc., or the Company, conducted a conference call during which members of its senior management team discussed financial results for the first quarter ended March 31, 2018, a business update and certain other information. A copy of the transcript of the conference call is furnished herewith 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 otherwise subject to the liabilities of that Section, or incorporated by reference into any of the Company 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

Exhibits. (d)

Exhibit No. Description 99.1

Transcript of VIVUS, Inc. First Quarter Ended March 31, 2018 Earnings Conference Call on May 8, 2018, at 1:30 p.m. PT.

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# EXHIBIT INDEX

Number 99.1	Description  Transcript of VIVUS, Inc. First Quarter Ended March 31, 2018 Earnings Conference Call on May 8, 2018, at 1:30 p.m. PT.
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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/ John L. Slebir John L. Slebir Senior Vice President, Business Development and General Counsel

Date: May 14, 2018

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