

VIVUS INC  
Form 4  
December 04, 2006

**FORM 4** UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

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

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
WILSON LELAND F

(Last) (First) (Middle)  
1172 CASTRO STREET  
(Street)

MOUNTAIN VIEW, CA 94040

(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol  
VIVUS INC [VVUS]

3. Date of Earliest Transaction (Month/Day/Year)  
11/30/2006

4. If Amendment, Date Original Filed (Month/Day/Year)

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

Director  10% Owner  
 Officer (give title below)  Other (specify below)  
President and CEO

6. Individual or Joint/Group Filing (Check Applicable Line)  
 Form filed by One Reporting Person  
 Form filed by More than One Reporting Person

**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 Ownership (Instr. 4)			
			Code	V	Amount or Price					
Common Stock	11/30/2006		M		\$ 2,984	A	\$ 2,9375	684,804 <sup>(1)</sup> <sub>(2)</sub>	D	
Common Stock	11/30/2006		S		\$ 2,984	D	\$ 4.09	681,820	D	
Common Stock	11/30/2006		M		\$ 42,015	A	\$ 2,9375	723,835	D	
Common Stock	11/30/2006		S		\$ 42,015	D	\$ 4.09	681,820	D	

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

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(9-02)

**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 Underlying Security (Instr. 3 and 4)	Amount or Number of Shares
Incentive Stock Option (right to buy)	\$ 2.9375	11/30/2006		M	2,984	(3) 12/11/2006	Common Stock	2,984
Non-Qualified Stock Option (right to buy)	\$ 2.9375	11/30/2006		M	42,015	(3) 12/11/2006	Common Stock	42,015

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
WILSON LELAND F 1172 CASTRO STREET MOUNTAIN VIEW, CA 94040	X		President and CEO	

## Signatures

/s/ Kate Higgins by power of attorney  
12/04/2006

\_\_Signature of Reporting Person Date

## Explanation of Responses:

- \* 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).
- (1) Includes 1,967 shares acquired through the Employee Stock Purchase Plan Offering Period ending on May 14, 2006 and 1,637 shares acquired through the Employee Stock Purchase Plan Offering Period ending on November 14, 2006.
- (2) Beneficially owned holdings have been adjusted to reconcile the insider's reports to his current holdings as reflected in his account statements.
- (3) Twenty-five percent (25%) of the total number of shares became exercisable on December 11, 1997 and one forty-eighth (1/48th) of the total number of shares became exercisable at the end of each full month thereafter.

## Edgar Filing: VIVUS INC - Form 4

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