VIVUS INC Form 8-K September 21, 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)

**September 21, 2018** 

# VIVUS, INC.

(Exact name of registrant as specified in its charter)

**Delaware** (State or other jurisdiction of incorporation)

001-33389 (Commission File Number) 94-3136179 (IRS Employer Identification No.)

900 E. HAMILTON AVENUE, SUITE 550

**CAMPBELL, CA 95008** 

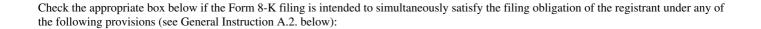
(Address of principal executive offices, including zip code)

#### (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 8.01. Other Events

On September 21, 2018, VIVUS, Inc. issued a press release titled VIVUS Supports the Cystic Fibrosis Community Through Sponsorship of and Participation in the Cystic Fibrosis Foundation s CF Climb. A copy of the press release is attached hereto as Exhibit 99.1 and is incorporated by reference herein.

#### Item 9.01. Financial Statements and Exhibits

(d) Exhibits.

Exhibit No. Description

99.1 Press Release issued by VIVUS, Inc. dated September 21, 2018.

2

#### **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: September 21, 2018