



**Attn: Trading and Market Making/Legal and Compliance/Operations/Systems**  
**UNIFORM PRACTICE ADVISORY (UPC#51-20) 12/21/2020 Vivus, Inc.**  
**(VVUSQ)**

Notice has been received that the above Company's Debtors Joint Prepackaged Plan of Reorganization became effective on 12/11/2020. Pursuant to the plan, On the Effective Date, All Interests shall be canceled and holders of Interests shall receive no distributions under the Plan on account of such Interests; provided, however, that holders of Existing Stock as of the Existing Stock Record Date may participate in the Existing Stock Settlement, if eligible, on the terms and conditions described in Section 5.3 of the Plan. See the Plan for further details.<sup>1</sup>

Members are reminded of their obligations under FINRA Rule 2111 if they continue to engage in transactions in the above security after the effective date.

Pursuant to FINRA Rule 11530, members are advised that, among other things, in contracts for securities where a public announcement or publication of general circulation discloses that the securities have been deemed worthless, deliveries shall consist a) the worthless securities or; or b) a Letter of Indemnity which shall grant the purchaser any rights and privileges which might accrue to the holders of the physical securities. Such deliveries shall operate to close-out the contract and shall be settled at the existing contract price pursuant to FINRA Rule 11530.

Questions regarding this notice should be directed to: FINRA Operations- 1-866-776-0800.

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<sup>1</sup> See e.g., *In re: Vivus, Inc., et al.*, Debtors. Chapter 11 Case No. 20-11779 (LSS) (Jointly Administered) Second Amended Joint Prepackaged Chapter 11 Plan.