

January 6, 2010

VIA EMAIL [REDACTED]

VIA FAX [REDACTED]

Brian DeSmet
[REDACTED]
[REDACTED]

Dear Mr. DeSmet:

This firm has been retained by Peabody Energy Corporation ("Peabody") with respect to the web sites located at www.cleancoalwustl.com and www.cleancoalwustl.org (the "Site"). Please send all future correspondence concerning this matter to my attention at the letterhead address. We understand that you have previously been in communication with Washington University concerning the Site. We and Peabody, however, have just been notified of the Site.

Peabody demands that you immediately remove the Site and cease and desist from further use of the Peabody name, image, logo or other intellectual property of Peabody, or of the Consortium. Peabody owns valuable trademark rights in its PEABODY trademark and its PEABODY logo design trademark (see attached copy of our client's web page displaying its PEABODY logo design trademark). It has used the PEABODY trademark in U.S. interstate commerce, in connection with coal and coal products, since at least as early as 1887. In addition, it owns current PEABODY trademark registrations, for coal and coal products, in ten countries (see attached). It has also used the PEABODY logo design trademark in U.S. interstate commerce, in connection with coal and coal products, since at least as early as 1985. The Consortium has valuable rights in its logo. This is underscored by your decision to use it.

The Site is rife with false statements and false innuendo about Peabody and about Peabody's efforts to advance technologies for clean coal utilization. The Site also wrongly and in violation of the law uses the PEABODY and PEABODY logo design trademarks (see attached copies of the offending Site pages), and the Consortium's logo, for the purpose of misleading the public into believing that these false statements and false innuendo were made by Peabody and the Consortium. The use on the Site of the PEABODY and these logo trademarks constitutes trademark infringement and trademark dilution under the federal Lanham Act and under state

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law, and unfair competition under state law. In addition, the Site content constitutes product disparagement under the federal Lanham Act.

In addition to violating Peabody's trademark and Lanham Act rights, the Site is rife with false statements, false innuendo, and defames Peabody and its officers and employees and former officers and employees mentioned by name in the Site. Peabody demands that you immediately remove the Site and all defamatory statements.

Peabody further puts you on notice that it is a party to a contract with Washington University whereby Peabody and others have funded significant research efforts to advance technologies for clean coal utilization. The Site is a direct effort to interfere with those relationships, to mischaracterize and diminish the research to be conducted under the contract, and to tortiously interfere with the contract. Peabody will hold those accountable who wrongfully interfere with this contract.

In view of the above, Peabody hereby demands that you immediately, completely, and permanently disable the Site located at www.cleancoalwustl.com and www.cleancoalwustl.org, and that you refrain from re-posting it elsewhere. If you do not comply with this demand by 8 a.m. tomorrow - January 7, Peabody will file suit seeking an injunction compelling you to do so.

We look forward to receiving your confirmation of compliance. Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Paul Fleischut". The signature is written in a cursive, slightly slanted style.

Paul I. J. Fleischut