

PUBLIC CITIZEN LITIGATION GROUP

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BY TELECOPIER: 214-812-6032

October 24, 2006

David P. Poole, Esquire
Executive Vice President - General Counsel
TXU
1601 Bryan St., 6th Floor
Dallas TX 75201-3411

Dear Mr. Poole:

I write to follow up my telephone call this morning about your threat to sue Downwinders at Risk over its supposed infringement and dilution of the TXU trademark. You complain about the fact that Downwinders, a nonprofit group that opposes pollution by companies like TXU and seeks to use the political process to object to cozy relationships between TXU and politicians like Rick Perry, placed the TXU logo on a dirty smokestack that Governor Perry was depicted as kissing.

Apart from the other silly claims in your letter, your apparent assumption that members of the public need corporate permission before they may use trademarks to depict companies that they want to criticize is simply false. Along with Michael Linz, a Dallas civil liberties litigator, we will be representing Downwinders if TXU is foolish enough to file the lawsuit that you have threatened.

Really, you should be ashamed of yourself for sending out this threat of litigation, presumably in the hope of intimidating citizens who want to participate in the political process. Our client has requested a retraction, and we hope you will issue one promptly.

Sincerely yours,


Paul Alan Levy