**11.2 Trade Secrets – Affirmative Defense – Statute of Limitations**

[Name of defendant] claims that [name of plaintiff]’s lawsuit was not filed within the time set by law, which is within three years after the claimed misappropriation occurred. To succeed on this defense, [name of defendant] must prove that the claimed misappropriation of [name of plaintiff]’s trade secret(s) occurred before [insert date three years before date of filing]. The law considers a continuing misappropriation as a single misappropriation. Therefore, you should determine whether the claimed misappropriation is a single misappropriation that began before or after [insert date three years before date of filing].

However, the lawsuit was still filed by [name of plaintiff] on time if [name of plaintiff] proves that before [insert date three years before date of filing], [name of plaintiff] did not discover, nor with reasonable diligence should have discovered, the claimed misappropriation of [name of plaintiff]’s trade secret(s).

**Special Interrogatories to the Jury**

**Do you find by a preponderance of the evidence that:**

1. [Name of plaintiff] discovered, or should have discovered through the exercise of reasonable diligence, before [insert date three years before the date of filing] about the claimed misappropriation?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_

If your answer is “Yes,” this ends your deliberations, and your foreperson should sign and date the last page of this verdict form. If your answer is “No,” go to the next question.