**ANNOTATIONS AND COMMENTS**

The statute provides that a court may award:

(i)(I) damages for actual loss caused by the misappropriation of the trade secret; and

(II) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss; or

(ii) in lieu of damages measured by any other methods, the damages caused by the misappropriation measured by imposition of liability for a reasonable royalty for the misappropriator’s unauthorized disclosure or use of the trade secret.

18 U.S.C. § 1836(b)(3)(B).

The damages language in the Defend Trade Secrets Act is drawn directly from § 3 of the Uniform Trade Secrets Act. *See* S. Rep. No. 114-220, at 9 (2016); H.R. Rep. No. 114-529, at 13 (2016). The legislative history suggests that the remedy of a reasonable royalty is a remedy of last resort. *See* S. Rep. No. 114-220, at n.17 (2016); H.R. Rep. No. 114-529, at n. 13 (2016).