**11.5 Trade Secrets – Damages – Exemplary**

If you find that [name of defendant] has engaged in willful and malicious misappropriation of the trade secret, you may award “exemplary” damages, that is, damages meant to make an example of [name of defendant]. Exemplary damages may be awarded in an amount not more than two (2) times the amount awarded for compensatory damages (i.e. the amount awarded for either actual damages plus unjust enrichment or for a reasonable royalty).

**Special Interrogatories to the Jury**

1. Do you find that [name of defendant] willfully and maliciously misappropriated [name of plaintiff]’s [name of trade secret]?

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

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

How much, in addition to amount of damages you have already awarded, do you award [name of plaintiff] as exemplary damages?

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