

(C) IN EXCEPTIONAL CIRCUMSTANCES, AN INJUNCTION MAY CONDITION FUTURE USE UPON PAYMENT OF A REASONABLE ROYALTY FOR NO LONGER THAN THE PERIOD OF TIME FOR WHICH USE COULD HAVE BEEN PROHIBITED.

(D) IN APPROPRIATE CIRCUMSTANCES, AFFIRMATIVE ACTS TO PROTECT A TRADE SECRET MAY BE COMPELLED BY COURT ORDER.

(E) IN THIS SECTION "EXCEPTIONAL CIRCUMSTANCES" INCLUDES A MATERIAL AND PREJUDICIAL CHANGE OF POSITION PRIOR TO ACQUIRING KNOWLEDGE OR REASON TO KNOW OF MISAPPROPRIATION THAT RENDERS A PROHIBITIVE INJUNCTION INEQUITABLE.

11-1203.

(A) EXCEPT TO THE EXTENT THAT A MATERIAL AND PREJUDICIAL CHANGE OF POSITION PRIOR TO ACQUIRING KNOWLEDGE OR REASON TO KNOW OF MISAPPROPRIATION RENDERS A MONETARY RECOVERY INEQUITABLE, A COMPLAINANT IS ENTITLED TO RECOVER DAMAGES FOR MISAPPROPRIATION.

(B) DAMAGES UNDER THIS SUBTITLE MAY INCLUDE:

(1) THE ACTUAL LOSS CAUSED BY MISAPPROPRIATION; AND

(2) THE UNJUST ENRICHMENT CAUSED BY MISAPPROPRIATION THAT IS NOT TAKEN INTO ACCOUNT IN COMPUTING ACTUAL LOSS.

(C) IN LIEU OF DAMAGES MEASURED BY ANY OTHER METHODS, THE DAMAGES CAUSED BY MISAPPROPRIATION MAY BE MEASURED BY IMPOSITION OF LIABILITY FOR A REASONABLE ROYALTY FOR A MISAPPROPRIATOR'S UNAUTHORIZED DISCLOSURE OR USE OF A TRADE SECRET.

(D) IF WILLFUL AND MALICIOUS MISAPPROPRIATION EXISTS, THE COURT MAY AWARD EXEMPLARY DAMAGES IN AN AMOUNT NOT EXCEEDING TWICE ANY AWARD MADE UNDER SUBSECTION (A) OF THIS SECTION.

11-1204.

THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES TO THE PREVAILING PARTY IF:

(1) A CLAIM OF MISAPPROPRIATION IS MADE IN BAD FAITH;

(2) A MOTION TO TERMINATE AN INJUNCTION IS MADE OR RESISTED IN BAD FAITH; OR

(3) WILLFUL AND MALICIOUS MISAPPROPRIATION EXISTS.

11-1205.

IN AN ACTION UNDER THIS SUBTITLE, A COURT SHALL PRESERVE THE SECRECY OF AN ALLEGED TRADE SECRET BY REASONABLE MEANS, WHICH MAY INCLUDE GRANTING PROTECTIVE ORDERS IN CONNECTION WITH DISCOVERY