IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RED HAT, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 03-772-SLR
	)	
THE SCO GROUP, INC.,	)	
	)	
Defendant.	)	

O R D E R

At Wilmington, this 31st day of March, 2005;

IT IS ORDERED that plaintiff's motion for reconsideration (D.I. 35) is denied without prejudice to renew, for the following reasons:

1. The purpose of a motion for reconsideration is to "correct manifest errors of law or fact or to present newly discovered evidence." Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). Accordingly, a court may alter or amend its judgment if the movant demonstrates at least one of the following: (1) a change in the controlling law; (2) availability of new evidence not available when summary judgment was granted; or (3) a need to correct a clear error of law or fact or to prevent manifest injustice. See id.

2. The court concludes that plaintiff has failed to

demonstrate any of the aforementioned grounds to warrant a reconsideration of the court's April 6, 2004 order. The plaintiff, however, may renew its motion to reconsider the stay if the claims or counterclaims in the pending SCO litigations change, and it would no longer be an inefficient use of judicial resources for this court to consider whether the LINUX system contains any misappropriated UNIX system source code, or if there is evidence that SCO has misrepresented the issues of this case, or the Utah litigation.

United States District Judge