# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

AUG 1 9 2504

LARRY W. PROPES, CLERK
U. S. DISTRICT COURT

Troy Shockley,

Plaintiff,

VS.

Shinn Fu Company of America,

Defendant.

Case No. 6 : 04 - 91938-27

**COMPLAINT** 

Jury Trial Requested

# **COMPLAINT**

# **Parties**

- 1. Plaintiff, Troy Shockley, is an individual and resident of South Carolina.
- 2. Upon information and belief, Defendant Shinn Fu Company of America, is a corporation organized under the laws of the State of Missouri, and maintains its principal place of business at 10939 N. Pomona Avenue, Kansas City, MO 64153.

# Jurisdiction and Venue

- 3. This is an action for patent infringement of U.S. Patent No. Re. 35,732 (the "732 patent"). Jurisdiction of this Court arises under the laws of the United States concerning actions related to patents, Title 28, United States Code, Sections 1331 and 1338(a). See Patent No. Re. 35,732 attached hereto as Exhibit "A."
- 4. This court has personal jurisdiction over the Defendant under the provisions of South Carolina Code §§ 36-2-802, 36-2-803 and 36-2-805.

Venue lies in this Judicial District under Title 28, United States Code, Section 1391(b)-(c) on the grounds that a substantial part of the events or omissions giving rise to the claim occurred in this District.

# COUNT ONE (Patent Infringement - U.S. Patent No. Re. 35,732)

- 6. Plaintiff incorporates by reference paragraphs 1-5 of this Complaint as if fully set forth herein.
- 7. On February 17, 1998, U.S. Patent No. Re. 35,732, entitled "Tranformable Mechanic's Creeper" was duly and legally issued to the sole inventor, Troy Shockley.
- 8. At all times subsequent to February 17, 1998, Plaintiff Shockley has been, and is today, the owner of the entire right, title and interest to the '732 patent.
- 9. Upon information and belief, Shinn Fu Company of America has infringed the claims of the '732 patent, and has actively induced infringement of the claims of the '732 patent, within this Judicial District and elsewhere, without authority or license from Plaintiff. Such infringement will continue unless enjoined by this Court.
- 10. Upon information and belief, Shinn Fu Company of America's infringing activities have been, and are, willful and deliberate.
- 11. As a direct result of Shinn Fu Company of America's infringing activities, Plaintiff has suffered damages in an amount to be determined at trial.

# **PRAYER FOR RELIEF**

# WHEREFORE, Plaintiff prays:

- A. For entry of judgment that the '732 patent is valid and enforceable.
- B. For entry of judgment that the '732 patent has been infringed by Defendant Shinn Fu Company of America, and such infringement has been willful and deliberate.

C. For entry of judgment that the Plaintiff be awarded three times its damages, plus interest, for such infringement.

D. For entry of an injunction enjoining Defendant Shinn Fu Company of America, its agents, employees, assignees and attorneys, and those persons in active concert or participation with Defendant be preliminarily and permanently enjoined from further infringement of the '732 patent.

E. Entry of judgment for costs and reasonable attorneys' fees incurred by Plaintiff.

F. Grant Plaintiff such other and further relief as is just and proper.

John B. Hardaway III (Fed. Bar No. 1710)

Stephen J. Shaw (Fed. Bar No. 7846)

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864-370-2211

Attorneys for Plaintiff

August 19, 2004 Greenville, South Carolina



# United States Patent [19]

Shockley

Patent Number: Re. 35,732 [11] E

[45] Reissued Date of Patent: Feb. 17, 1998

[54]	TRANSFORMABLE MECHANIC'S CREEPER				Morrison	
[76]	Inventor:	Troy Shockley, 106 Robinall Dr., Basley, S.C. 29642	4,895,380	1/1990	Brooks et al	21
r211	Anni No	· 649.852	FC	REIGN	PATENT DOCUMENTS	

[21] Appl. 1

[22] Filed: May 8, 1996

## Related U.S. Patent Documents

Reiss	ue of:			
[64]	Patent No.:	5,451,068		
• •	Issued:	Sep. 19, 1995		
	Appl. No.:	243,715		
	Filed:	May 17, 1994		

[51]	Int. Cl. <sup>6</sup> B25H 5/00
[52]	U.S. Cl 280/32.6
[58]	Field of Search 280/32.6, 30; 297/16.1,
	297/16.2, 19; 248/129

#### References Cited [56]

# U.S. PATENT DOCUMENTS

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2.124.389	7/1938	Woelfer, Jr	280/32.6
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2,611,417	9/1952	Henry et al 21	BO/32.6 X

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2.843.391	7/1958	Pelletier	280/32.6
4.025,106		Kyte	
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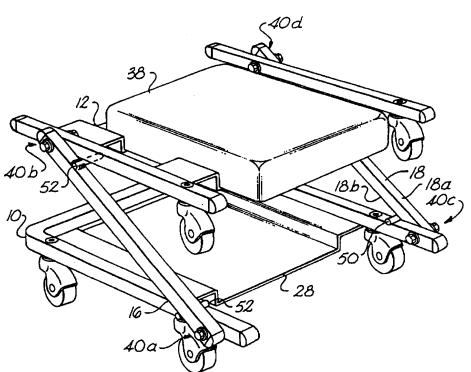
283330	1/1928	United	Kingdom	**************	280/32.6
2251828	7/1992	United	Kingdom		280/32.6

Primary Examiner-Kevin Hurley Attorney, Agent, or Firm-Cort Flint

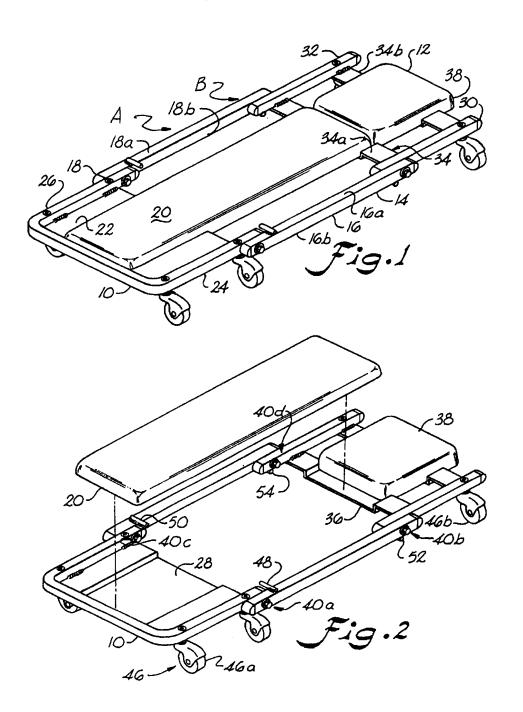
**ABSTRACT** 

A transformable mechanic's creeper is disclosed having an elongated creeper frame which includes a base and a seat assembly interconnected by at least one interlinking con-nector pivotally connected to the base and the seat assembly. The interlinking connector has a first pivot position in which the seat assembly is positioned generally in horizontal alignment with the base for defining a creeper position, and a second pivot position in which the seat assembly is positioned generally in vertical alignment with the base to define a scating position wherein the seat assembly and the base support a worker in an upright seating position. A removable insert pad carried within the elongated creeper frame supports a worker in a supine position support.

# 17 Claims, 5 Drawing Sheets



Re. 35,732 U.S. Patent Sheet 1 of 5 Feb. 17, 1998

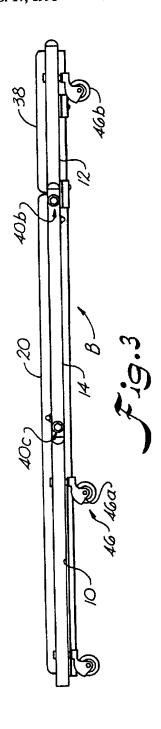


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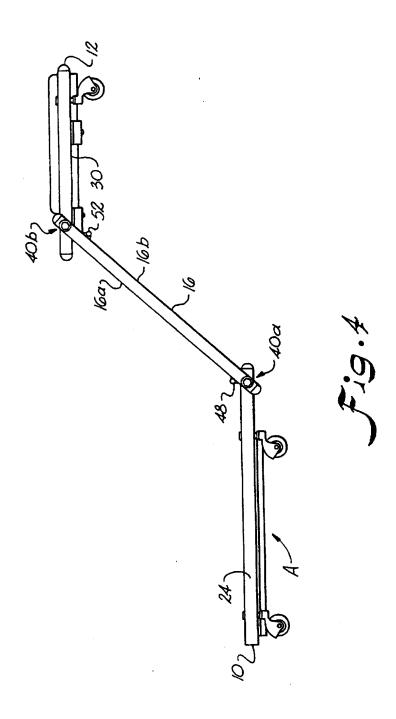


U.S. Patent

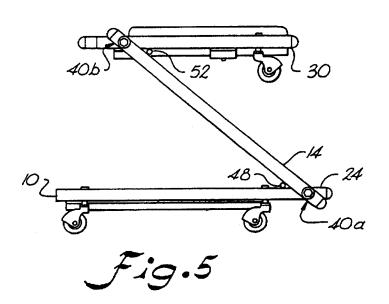
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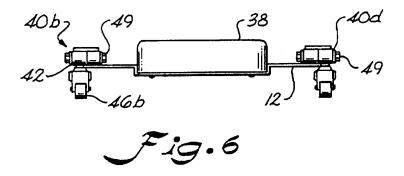
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Re. 35,732



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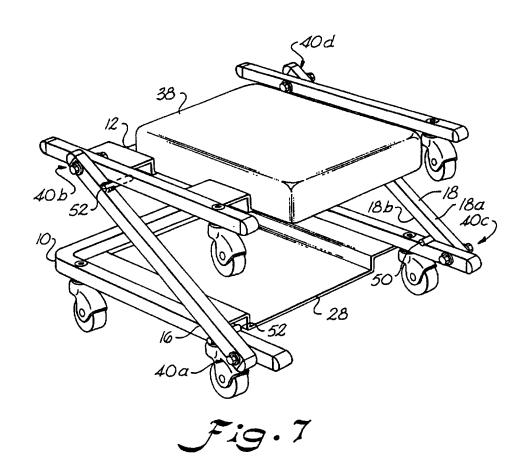




**U.S. Patent** Feb. 17, 1998

Sheet 5 of 5

Re. 35,732



## TRANSFORMABLE MECHANIC'S CREEPER

Matter enclosed in heavy brackets [ ] appears in the original patent but forms no part of this reissue specification; matter printed in italics indicates the additions 5 made by reissue.

### BACKGROUND OF THE INVENTION

This invention relates to a mechanic's creeper, and more particularly to a mechanic's creeper which is transformable between a horizontal creeper and an upright seat.

During the performance of maintenance on automobiles and the like, it is often required that the mechanic be able to work under the chassis of the automobile. In the past, it has been known to use flat surfaces on wheels, known as creepers, enabling the mechanic to lie in a supine position and survey and work underneath the automobile. Additionally, it is known to use work bays where cars may be placed on hydraulic lifts and elevated to a position above an upright mechanic. Furthermore, mechanics sometimes use seats when working about the exterior of an automobile.

The problem has arisen in that to work on an automobile, the mechanic uses a creeper for work underneath the automobile's chassis, and a seat for work around the automobile's exterior. The use of two separate work platforms instead of one is an added expense to the mechanic. When considering that many automotive shops work on several cars at the same time, the redundancy in work platforms greatly increases the cost necessary to work on the automobiles. Furthermore, the work area around the automobile quickly becomes congested considering that several tools are used on an automobile; such as computer aided diagnostics and general hand held tools, along with replacement parts lying around the work area. Accordingly, depending on the work activity, either the seat or the creeper is not being utilized and merely takes up space around the work area, further congesting the work area and making it more difficult for an orderly work place to be maintained by the mechanic.

U.S. Pat. No. 2,692,636 shows a combination automobile mechanic's creeper and stool. The creeper and stool disclosed by U.S. Pat. No. 2,692,636 utilizes coil spring members which connect a left and right platform to a center platform. The springs collapse the left and right platforms inward to convert the creeper into a stool. Lock bolts lock the device into the stool and creeper position. Consequently, 45 this apparatus in its natural state can be used neither as a creeper nor a stool and the coil spring members in action create a potentially dangerous work environment.

U.S. Pat. No. 2,611,417 shows a combination mechanic's creeper and stool which has leg units. The creeper uses 50 cumbersome finger tabs for retracting rods which release the leg units enabling the legs to be pivoted rendering the creeper into a stool. The unclasping of the finger tabs is very cumbersome and requires the mechanic's creeper to either tabs. Furthermore, when the creeper is in a stool position, the legs of the stool abut the ground and do not provide the creeper with mobility.

Accordingly, it is an object of the present invention to provide a transformable mechanic's creeper which can be 60 transformed between a horizontal mechanic's creeper and an upright scat;

Additionally, it is an object of the present invention to provide for a transformable mechanic's creeper which is simple to use and easy to manufacture;

Furthermore, it is an object of the present invention to provide for a transformable mechanic's creeper which is

transformable between a creeper and a seat merely by using pivoting members;

Additionally, it is an object of the present invention to provide for a transformable mechanic's creeper, which is transformable between a mechanic's creeper and a seat, which provides the mechanic mobility while utilizing the device in either the creeper or seat position.

# SUMMARY OF THE INVENTION

The above objectives are accomplished according to the invention by providing a transformable mechanic's creeper having an elongated creeper frame which includes a base and a seat assembly interconnected by at least one interlinking connector in said elongated creeper frame with said base. The interlinking connector having a first end pivotally connected to the base, and a second end pivotally connected to the seat assembly such that the interlinking connector having a first pivot position in which the seat assembly is positioned generally in horizontal alignment with the base for defining a creeper position. The base and seat assembly being disposed near opposing ends of the elongated creeper frame when the elongated creeper frame is in the creeper position. Furthermore, the interlinking connector having a second pivot position in which the seat assembly is positioned generally in vertical alignment with the base such that the seat assembly and the base support a worker in an upright scating position.

A removable insert pad which carried within the elongated creeper frame providing a worker in a supine position support when the clongated creeper frame is in the creeper position. The removable insert pad being removed enabling the interlocking connector to pivot from first pivot position to second pivot position whereby the elongated creeper frame is positioned from a creeper position to a seating position.

## DESCRIPTION OF THE DRAWINGS

The construction designed to carry out the invention will hereinafter be described, together with other features thereof.

The invention will be more readily understood from a reading of the following specification and by reference to the accompanying drawings forming a part thereof, wherein an example of the invention is shown and wherein:

FIG. 1 is a perspective view of a transformable mechanic's creeper in a horizontal creeper position according to the invention:

FIG. 2 is a perspective view illustrating the removable insert pad and associated structure according to the inven-

FIG. 3 is a side view of a transformable mechanic's creeper in a horizontal creeper position;

FIG. 4 is a side view of a transformable mechanic's be laid on its back or to be lifted thereby exposing the finger 55 creeper being positioned from either a creeper or seating position into the other of a creeper or seating position;

FIG. 5 is a side view of a transformable mechanic's creeper in a sitting position;

FIG. 6 is a front view of a transformable mechanic's creeper; and

FIG. 7 is a perspective view of a transformable mechanic's creeper in a seating position according to the invention.

## DESCRIPTION OF A PREFERRED **EMBODIMENT**

Referring now in more detail to the drawings, the invention will now be described in more detail.

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FIG. 1 illustrates a transformable mechanic's creeper A for use by a worker working on an automobile or the like having an elongated creeper frame B in contact with a work floor. A base 10 is included on one end of elongated creeper frame B and a seal assembly 12 is interconnected in clongated creeper frame B on an opposite end away from base 10. Connector frame 14 interlinks base 10 with seat assembly 12. In the preferred embodiment, connector frame 14 includes a pair of interlinking connectors 16 and 18 which interlink seat assembly 12 with base 10. Interlinking connectors 16 and 18 each have an initial topside 16a and 18a respectively and bottom side 16b and 18b respectively. A removable insert pad 20 is carried by base 10 and seat assembly 12 for supporting a worker in a supine position.

As shown in FIG. 2, base 10 includes a base member 22 15 which transverses spaced base frame legs 24 and 26. Base member 22 includes a base recess 28 which receives removable insert pad 20. Seat assembly 12 includes spaced seat frame legs 30 and 32 which are connected by a horizontal brace 34. In the preferred embodiment horizontal brace 34 includes a first brace 34a and a second brace 34b. Horizontal brace 34 includes a seat recess 36 for receiving insert pad 20. A seat 38 is also carried by brace 34.

As shown in FIG. 2, first interlocking connector 16 is pivotally connected to base leg 24 at first pivot point 40a and seat leg 30 at second pivot point 40b. Second interlocking connector 18 is pivotally connected to base leg 26 at third pivot point 40c and seat leg 32 at fourth pivot point 40d.

As shown in FIG. 6, second pivot point 40b consists of a pivot pin 42 which passes through apertures in first interlocking connector 16 and seat leg 30 and which is secured by bolts 49. First, third and fourth pivot points are of similar construction

As shown in FIG. 3, connector frame 14 has a first pivot 35 position in which seat assembly 12 is positioned generally in horizontal alignment with base 10 to define a creeper position. In the creeper position, base 10 and seat assembly 12 are disposed near opposing ends of elongated creeper frame B and removable insert pad 20 is received within base recess 28 and seat recess 36 providing a horizontal platform. Scat assembly 12 is longitudinally spaced from base 10 in the creeper position providing elongated creeper frame B with sufficient length to support a worker lying in a supine position. In the first pivot position, seat 38 is aligned with 45 removable insert pad 20 providing a single horizontal platform which supports a worker lying in a supine position. Plurality of castors 46 depend from elongated creeper frame B. In the preferred embodiment, a first plurality of castors 46a depend from base 10 and at least one castor 46b depends 50 from seat assembly 12 providing mechanic's creeper A with

As shown in FIGS. 4, 5, 6 and 7, mechanic's creeper A is transformable into a seat after insert pad 20 has been removed from elongated creeper frame B. As shown in FIG. 55 4. connector frame 14 pivots counterclockwise around pivot points 40a and 40c located at the end of base frame legs 24 and 26 into a second pivot position. In the second pivot position, mechanic's creeper A is transformable into a seating position which consists of seat assembly 12, connector 60 frame 14, and base 10 in a general Z configuration. In the seating position, seat frame legs 30 and 32 of seat assembly 12 pivot around pivot points 40b and 40d respectively so that seat 38 is generally vertically aligned with base 10 providing a horizontal seating platform.

In order to maintain mechanic's creeper A in a seating position, at lease one retention element retains seat assembly

12 above base 10. In a preferred embodiment, connector retention element 48 retains connector frame 14 upright. Connector retention element 48 may be comprised of a first plurality of stops 50 which prevent connector frame 14 from privoting around pivot points 40a and 40c greater than a predefined angle. In the preferred embodiment, the angle between connector frame 14 and base 18 is an acute angle. First plurality of stops 50 prevent connector frame 14 from pivoting beyond the prescribed acute angle. Accordingly, first plurality of stops 50 may be connected to either base 10 or connector 14. In the preferred embodiment, first plurality of stops 50 are integral with initial top sides 16a and 18a of interlinking connectors 16 and 18 and contact base 10 thereby maintaining connector frame 14 in an upright posi-

tion with respect to base 10. As shown in FIGS. 5 and 7, seat retention element 52 retains seat assembly 12 in a generally elevated horizontal position parallel to base 10 providing a seating platform for worker. Seat retention element 52 may be comprised of a second plurality of stops 54 which prevent the excessive rotation of seat assembly 12 around pivot points 46b and 40d. Second plurality of stops 54 my be carried either by connector frame 14 or seat assembly 12. In the preferred embodiment, second plurality of stops 54 are integral with the initial bottom sides of 16b and 18b interlinking connectors 16 and 18 for contacting seat assembly 12 and maintaining seat assembly 12 in a generally vertical aligned position with base 10.

FIG. 7 illustrates mechanic's creeper A in a scating position. The weight of the worker sitting on seat 38 forces seat assembly 12 to contact second plurality of stops 54 of interlinking connector 14. Second plurality of stops 54 are placed farther away from pivot points 40a and 40c than first plurality of stops 50. First plurality of stops 50 are intermediary second plurality of stops 54 and pivot points 40a and 40c. Consequently, the weight of the worker forces interlinking connector 14 to pivot counterclockwise around pivot points 40a and 40c until lust plurality of stops 50 contacts base 10. With this design, the weight of the worker maintains mechanic's creeper A in the seating position. Base recess 28 may be used to store mechanic tools and the like

In operation, mechanic's creeper A is easily transformable from a horizontal creeper to a vertical seat. To transform creeper A from a horizontal creeper position into a seating position, seat assembly 12 is lifted pivoting interlinking connector 14 counterclockwise around pivot points 40a and 40c. Seat assembly 12 is positioned in general vertical alignment with base 10 until connector retention element 48 contacts base 10. Seat assembly 12 is pivoted around pivot points 40b and 40d until seat assembly 12 contacts seat retention element 52. To transform mechanic's creeper A from a seating position into a horizontal creeper, seat assembly 12 is pulled forward pivoting interlinking connector 14 clockwise around pivot points 40a and 40c. Seat assembly 12 is lowered until castors 46 abut the ground. Accordingly, base 10 and corresponding castor 46 constantly remain in contact with a work floor providing the creeper and seat with mobility.

Thus, it can be seen than an advantageous construction can be had for a transformable mechanic's creeper according to the invention where the mechanic's creeper can readily be transformed between a horizontal creeper and a vertical seat. The pivoting interlinking connector provides the mechanic's creeper with sufficient length for a horizontal creeper and sufficient height for the vertical seat. The use of pivot points and stops enable the mechanic's creeper to be transformed from a horizontal creeper to a vertical seat with minimum

While a preferred embodiment of the invention has been described using specific terms, such description is for illustrative purposes only, and it is to be understood that changes and variations may be made without departing from the spirit or scope of the following claims.

What is claimed is:

- 1. A transformable mechanic's creeper for use by a worker, said creeper transforming between a horizontal position for supporting said worker working underneath said automobile in a supine position and a seat position for 10 supporting said worker working in an upright seating position, said creeper comprising:
  - an clongated creeper frame;
  - a base included in said elongated creeper frame;
  - plurality of castors, depending from said elongated creeper frame, said castors supporting said elongated creeper frame on a work floor providing said elongated creeper frame with mobility;
  - a seat assembly interconnected in said elongated creeper 20 frame with said base:
  - at least one interlinking connector linking said seat assembly and base;
  - said interlinking connector having a first end pivotally connected to said base, and a second end pivotally 25 connected to said seat assembly;
  - said interlinking connector having a first pivot position in which said seat assembly is positioned generally in horizontal alignment with said base to define a creeper
  - said interlinking connector having a second pivot position in which said seat assembly is positioned generally in vertical alignment with said base to define a seating position wherein said seat assembly and said base 35 support said worker seated:
  - a first plurality of stops carried by one of said interlinking connector and said base, said first plurality of stops engaging the other of said base and interlinking connector to maintain said interlinking connector above 40
- a second plurality of stops carried by one of said interlinking connector and said seat assembly, said second plurality of stops engaging the other of said seat assembly and interlinking connector to maintain said 45 seat assembly above said base.
- 2. The mechanic's creeper of claim 1 wherein said seat assembly is longitudinally spaced from said base when said interlinking connector is in said first pivot position providing said elongated creeper frame with sufficient length to sup- 50 port said worker lying in a supine position.
- 3. The mechanic's creeper of claim 1 wherein said base includes a base recess for receiving said insert pad thereby maintaining said insert pad within a predescribed height above a work floor.
- 4. The mechanic's creeper of claim 3 wherein said seat assembly includes a seat recess for receiving said insert pad thereby maintaining said insert pad within a predescribed height above a work floor.
- 5. The mechanic's creeper of claim 1 wherein said seat 60 assembly includes at least one castor providing said mechanic's creeper mobility when said interlinking connector is in said first pivot position.
- 6. The mechanic's creeper of claim 1 wherein said interlinking connector includes a first and second interlinking 65 connector each pivotally connected to said seat assembly end base.

7. The mechanic's creeper of claim 1 including at least one retention element carried by said elongated creeper frame retaining said seat and base vertical in said second pivot position to maintain said scating position.

8. The mechanic's creeper of claim 1 including a connector retention element, and a seat retention element maintaining said seat assembly generally parallel above said base when said interlinking connector is in said second pivot position.

9. The mechanic's creeper of claim 1 wherein said second plurality of stops are carried by said seat assembly.

- 10. The mechanic's creeper of claim 1 wherein said seat assembly includes a pair of spaced legs interconnected with a brace, said brace carrying a seat for supporting said worker 15 in a seating position.
- 11. A transformable mechanic's creeper for use by a worker working on an automobile or the like, said mechanic's creeper transforming between a horizontal position for supporting said worker working underneath said automobile in a supine position and transforming into a seat position for supporting said worker working in an upright position, said mechanic's creeper comprising:
  - an elongated creeper frame;
  - a base included in said elongated creeper frame;
  - a seat assembly interconnected in said elongated creeper frame with said base;
  - at least one interlinking connector linking said seat assembly and base:
  - said interlinking connector having a first end pivotally connected to said base, and a second end pivotally connected to said seat assembly;
  - said interlinking connector having a first pivot position in which said seat assembly is positioned generally in horizontal alignment with said base to define a creeper position, and said base and seat assembly being disposed near opposing ends of said elongated creeper frame in said creeper position;
  - a removable insert pad carried by said seat assembly and said base when said interlinking connector is in said first pivot position to support said worker in a supine position:
  - said interlinking connector having a second pivot position in which said seat assembly is positioned generally in vertical alignment with said base to define a seating position wherein said seat assembly and said base to support said worker seated;
  - said removable insert pad being removed from said creeper frame where said interlinking connector is in said second pivot position; and
  - a plurality of castors depending from said elongated creeper frame.
- 12. The mechanic's creeper of claim 11 including a first 55 plurality of stops carried by one of said interlinking connector and said base, said stops engaging the other of said base and interlinking connector to maintain said interlinking connector above said base.
  - 13. The mechanic's creeper of claim 12 including a second plurality of stops carried by one of said seat assembly or said interlinking connector, said second plurality stops engaging the other of said seat assembly and interlinking connector to maintain said seat assembly above said base.
- 14. A transformable mechanic's creeper for use by a worker, said creeper transforming between a horizontal position for supporting said worker working underneath said automobile in a supine position and a seat position for

supporting said worker working in an upright seating position, said creeper comprising:

- an elongated creeper frame;
- a base included in said elongated creeper frame;
- a seat assembly interconnected in said elongated creeper frame with said base:
- at least one interlinking connector linking said seat assembly and base;
- said interlinking connector having a first end pivotally 10 connected to said base, and a second end pivotally connected to said seat assembly;
- said interlinking connector having a first pivot position in which said seat assembly is positioned generally in horizontal alignment with said base to define a creeper 15 position:
- said interlinking connector having a second pivot position in which said seat assembly is positioned generally in vertical alignment with said base to define a seating position wherein said seat assembly and said base 20 support said worker when seated; and
- sald seat assembly including at least one castor providing said mechanic's creeper mobility when said interlinking connector is in said first pivot position.
- 15. A transformable mechanic's creeper for use by a worker, said creeper transforming between a horizontal position for supporting said worker working underneath said automobile in a supine position and a seat position for supporting said worker working in an upright seating 30 position, said creeper comprising:
  - an elongated creeper frame;
  - a base included in said elongated creeper frame;
  - a plurality of castors, carried by said elongated creeper frame, said castors supporting said creeper frame on a 35 work floor providing said creeper frame with mobility;
  - a seat assembly interconnected in said elongated creeper frame with said base;

- at least one interlinking connector linking said seat assembly and base;
- said interlinking connector having a first end pivotally connected to said base, and a second end pivotally connected to said seat assembly;
- said interlinking connector having a first pivot position in which said seat assembly is generally horizontally aligned with said base to define a creeper position;
- said interlinking connector having a second pivot position in which said seat assembly is generally vertically aligned with said base to define a seating position wherein said seat assembly and said base support said worker seated:
- at least one retention element for maintaining said interlinking connector in said second pivot position when said seat assembly is positioned in said seating posi-
- at least one castor carried by said seat assembly providing said mechanic's creeper with mobility when said interlinking connector is in said first pivot position.
- 16. The mechanic's creeper of claim 15 wherein said seat 25 assembly is longitudinally spaced from said base when said interlinking connector is in said first pivot position providing said elongated creeper frame with sufficient length to support said worker lying in a supine position.
  - 17. The mechanic's creeper of claim 15 wherein said one retention element includes a connector retention element engaged between said interlinking connector and said base, and including at least one seat retention element engaged between said interlinking connector and said seat assembly for maintaining said seat assembly generally parallel above said base when said interlining connector is in said second pivot position.